Electoral Violence in New Democracies: Institutionalizing Peaceful Elections

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Abstract

Electoral Violence in New Democracies: Institutionalizing Peaceful Transitions

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In the last few decades, thousands have died in election-related violence. In the past ten years in Africa alone, Nigeria, Ethiopia, Algeria, Madagascar, Central African Republic, Côte d'Ivoire, Uganda, Chad, Angola, Togo, and Kenya have experienced severe instances of electoral violence. However, a number of other transitioning states, for example Ghana and Benin, held peaceful elections in the same period. The main question I ask in my dissertation is why some new democracies experience electoral violence while others do not.

I argue that elections are credible commitment problems in which candidates running for election face incentives to use fraud and or violence to win the election. The incentives to subvert the electoral process increase when previously marginalized ethnic groups select competitive candidates to compete in the election. However, independent electoral management bodies (EMBs) can resolve the commitment problem by convincing candidates and their supporters that a loss at the polls today does not mean a loss of power forever. In addition, an independent EMB limits the opportunity for election rigging, making it harder to subvert the electoral process. In the following chapters, I use both qualitative and quantitative methods to

test the relationships outlined above. To test the effects of independent EMBs, I collected and coded data on more than 200 elections in sub-Saharan Africa between 1990-2010. To test the causal process I conduct multiple comparative case studies of elections in Kenya and Ghana between 1992 and 2013. I find that ethno-political exclusion and perceptions of competitive elections significantly increase the risk of electoral violence, while de facto independent EMBs mitigate this risk by reducing electoral fraud and extending the time horizon of the candidates.

Chapter 1: Introduction and Theory

1.1 Introduction

While multiparty elections have become the dominant mode of regulating political competition in sub-Saharan African since the early 1990s, the democratic gains many states have made are at risk due to electoral violence. While states such as Ghana and Benin have held many peaceful elections, other states, such as Kenya, Nigeria, Côte d'Ivoire, and Zimbabwe, have experienced severe instances of electoral violence in which thousands of people have died and hundreds of thousands been displaced. According to the best available dataset on electoral violence in sub-Saharan Africa, 58 percent of all national-level elections have experienced some level of electoral violence, while 20 percent of the elections have resulted in more than 20 deaths (Straus and Taylor 2012).[1] Irrespective of the data sources scholars use, electoral violence, whether it occurs prior to election day or after election day, is a significant problem. Not only does electoral violence cost lives and displace people, it also reduces the likelihood that a state will consolidate its emergent democracy. In this dissertation, I examine what explains both cross-national and within-state variation in electoral violence in sub-Saharan Africa.

I argue that electoral violence is more likely if some groups within a state have experienced economic, political and social marginalization, and there are no institutions that both guarantee incumbents and challengers a credible election and assure that today's losers can compete in tomorrow's elections. Candidates will compete peacefully, accept the results and refrain from using violence as long as they or their supporters perceive that the elections were credible, free, and fair, and as long as they also believe that they can compete for power in the

[1] Daxecker (2012), using different sources than Straus and Taylor (2012), finds that 68 percent of all national level elections in Africa between 1997 and 2009 experienced at least one post-election violent event. Arriola and Johnson (2012) find that 20 percent of all elections worldwide held between 1985 and 2005 experienced electoral violence involving at least 25 deaths.

future. The critical, but generally overlooked, institution that can reduce cheating and credibly commit political candidates to compete peacefully is, I argue, an independent election commission.

Modeling democracy and elections as a credible commitment problem is not new. Przeworski (1991) and Weingast (1997) both argue that democratic stability is dependent on a self-enforcing equilibrium.[2] However, neither Przeworski (ibid) nor Weingast (ibid) explore systematically the various outcomes that can occur if one fails to solve the credible commitment problem. Electoral violence, as conceptualized here, is either a strategy to subvert the democratic process, or a response to a competing's candidate's attempt at subverting the democratic process. Thus, failure to solve the credible commitment problem will, under certain conditions, lead to electoral violence.

I argue that two conditions increase the risk of electoral violence. First, violence is more likely if some groups within a state have experienced political or economic marginalization, because it facilitates group mobilization by politicizing ethnic identities. When groups compare their own situation to that of other groups, objective socioeconomic and political inequalities are transformed into grievances. At the same time, marginalized groups see democratization as an opportunity to achieve a more equitable distribution of economic resources and political power, whereas privileged groups fear that democratization will end their privileged position. This increases the incentives for incumbents to rig elections, which in turn increases the risk that the losers will challenge the election results through violent action.

The second condition that makes electoral violence more likely is the perceived competitiveness of an election. When both incumbents and challengers believe that they have a chance to win an election, they face incentives to rig the electoral process in their favor. In such

[2] See also Dixit et al. 2000; Boix 2003; Acemoglu and Robinson 2001; Fearon 2011 and Przeworski 2011.

situations, the candidates can use electoral fraud or electoral violence to ensure that they win the election. In situations where the candidates face limited competition, there is no reason to use violence or rig the election to win, and while the losers might be disappointed because they lost the election, they are unlikely to respond with violence if the election was clean and they know that they had no chance of winning in the first place.

Finally, while many African states have experienced competitive elections where marginalized groups have competed and lost, the elections have remained peaceful. I show that the presence of independent electoral management bodies (EMBs) makes peaceful elections more likely, even in high-risk situations. Independent EMBs can reduce the risk of violence for two reasons: First, because an independent EMB is not beholden to any of the political actors competing in an election, it can extend the time horizons of the political actors and thus reduce the incentives to cheat. Second, independent EMBs makes it harder for the candidates to cheat, even if they want to, since candidates, especially the incumbent, have less control over the electoral process.

This chapter proceeds as follows. In the next section, I develop my argument, present a three-stage model and deduce three hypotheses. In section two, I discuss several alternative explanations. Section three outlines my research design and in section four I preview the rest of the dissertation.

1.2 The Argument: Institutionalizing Procedural Certainty and Self-Enforcing Democracy

My starting point is Przeworski (1991) and Weingast's (1997) insight that democracy is a credible commitment problem and that democratic stability requires a self-enforcing equilibrium. As Weingast writes, "[i]t must be in the interests of political officials to respect democracy's

limits on their behavior" (1997, 245). Except for a general agreement on this insight, Przeworski and Weingast disagree on the details. For Weingast, the key actors are the sovereign (government) and the citizens. Unless citizens coordinate and react against the sovereign's transgression, it is in the sovereign's interest to subvert democracy. The crucial variable explaining the likelihood of self-enforcing democracy is the ability of citizens to coordinate and react against the sovereign's attempt to subvert democracy. In other words, the incumbent will attempt to rig elections as long as he believes the citizens will fail to take action to stop him (ibid, 246).

Przeworski (1991), on the other hand, models the credible commitment problem as a problem between incumbents and challengers, and excludes citizens from his analysis. Przeworski argues that the solution to the problem is an institutional one, not citizen coordination. Political elites "comply with present defeats because they believe that the institutional framework that organizes the democratic competition will permit them to advance their interest in the future" (ibid, 19). Thus, election losers will accept the result as long as they believe they can compete for power in future elections.

Building on Przeworski and Weingast, my general argument is that we should expect to observe electoral violence when candidates have yet to credibly commit to the democratic process. The candidates can use violence prior to the election to increase their chances of winning the election, or they can rig the election to win. In either situation, the losers might use violence as a response to the other candidate's attempt at subverting the democratic process.[3] However, not all rigged elections lead to violence. For example, when Viktor Yanukovych rigged the 2004 presidential election in Ukraine, the loser, Viktor Yushchenko, did not mobilize

[3] Several studies have found a relationship between electoral fraud and political violence or post-election protest. See for example Tucker (2000); Kuntz and Thompson (2009); Daxecker (2012) and Hyde and Marinov (2014).

his supporters to commit violence against Yanukovych's supporters. Rather, the response was massive peaceful protests, known as the Orange Revolution. This suggests that it is necessary to identify the structural conditions that make electoral violence more likely.

Research on civil wars provide valuable insights into the structural conditions that make armed violence more likely, and shows that horizontal inequalities[4]—that is, systematic inequalities between culturally formed groups—increases the probability of civil wars (Stewart 2002).[5] Based on a new cross national dataset that codes different ethnic groups' GDP per capita, Cederman et al. (2011) show that ethnic groups who are affluent or poor relative to the national average are more likely to engage in civil conflict than groups whose income is similar to the national average.[6] This research indicates that the structural conditions that increase the likelihood of civil war are legacies of economic, political and social discrimination—that is, group inequalities.[7] While civil wars and electoral violence are not identical forms of violence, the logic behind the group inequality argument can help explain electoral violence.

There are two reasons why horizontal inequalities increase the likelihood of electoral violence in new democracies. First, horizontal inequalities facilitate group mobilization by politicizing ethnic identities. When groups compare their own situation to that of other groups, objective socioeconomic and political inequalities are transformed into grievances. This makes it easier for group leaders to mobilize their followers to commit violence against members of other

[4] Horizontal inequality is inequality between groups, whereas vertical inequality is between individuals.
[5] Examining inequalities between groups as a source of violence is not new. Hechter (1975) focuses on cultural division of labor which refers to material inequalities between groups. Horowitz (1985) examines rank ordering of ethnic groups in a society.
[6] For studies using other measures of group inequality see Østby 2008a; Østby 2008b; Østby et al 2009; Stewart 2002 and 2008. For studies examining political marginalization see Wimmer et al 2009 and Cederman et al 2010a.
[7] I use horizontal inequalities, group inequalities, group marginalization, and group discrimination interchangeably throughout the paper.

groups (Cederman el al. 2011, 481).[8] As I show in chapter two and chapter four, Kenyan political elites, during the election campaigns in 1992, 1997 and 2007, referred to legacies of ethnic discrimination in order to mobile supporters to use violence against individuals from other ethnic groups.

Second, democratization changes individual and group beliefs and expectations about the future. Marginalized groups see democratization as an opportunity to achieve a more equitable distribution of economic resources and political power, whereas privileged groups fear that democratization will end their privileged position.[9] In addition, legacies of group inequalities increase the stakes of the electoral competition and thus the incentive to rig elections. Since a democratic transition, and especially elections, is a situation of great uncertainty, this mix of fear and hope can lead to a dangerous situation where elites refer to past discriminatory policies or the potential loss of privilege to mobilize their supporters to use violence if they lose elections.[10]

In sum, ethno-political discrimination increases the stakes of the competition, making it easier to coordinate collective action.[11] Because marginalized groups have so much to gain and privileged groups so much to lose, it is in their interest to use all available means to "win" an election. Weingast (1997) assumes that citizens must coordinate their action on their own. However, this is rarely the case. Elections in new democracies generally have several candidates and they each have their supporters. Solving a coordination problem is much easier when a group

[8] Cederman et al (2011) and other scholars working within the same framework draw on social psychology to explain how objective asymmetries between groups are transformed into grievances. See Cederman et al (2011, 481-482) for a more detailed explanation.

[9] Acemoglu and Robinson (2006) present a similar argument, but they focus on social classes rather than cultural groups. They further argue that democracy credibly commits ruling elites to future redistribution of income to citizens. However, I argue that the process of democratization, especially elections, creates a credible commitment problem that Acemoglu and Robinson (2006) do not acknowledge. In other words, Acemoglu and Robinson ignore the actual process that occurs when a state moves from a non-democracy to a democracy.

[10] See Figueriedo and Weingast (1997) for how fear of losing privileges helps groups overcome collective action problems.

[11] Weingast (2002) points out that "democracies that limit the stakes of political competition are more likely to survive" (p. 680). Limiting the stakes of political competition in a state with horizontal inequalities is exceptionally difficult over the short run. Horizontal inequalities are structural and can take decades to reverse.

has common interests and leaders can use past grievances or future loss of privilege to mobilize supporters, while also promising selective incentives to those who participate to in collective action (Olsen 1968). This leads to the first hypothesis:

> **Hypothesis 1: New democracies with legacies of ethno-political discrimination are more likely to experience pre-and post electoral violence than new democracies without ethno-political discrimination.**

However, some new democracies with severe legacies of group inequalities hold peaceful elections, and when violence breaks out in states, it rarely engulfs the whole country. Even Kenya, a poster child for violent elections, peacefully transferred power in 2002, and several provinces in Kenya have remained peaceful during all of the country's elections. This suggests that other factors alleviate or compound the problem(s) that group inequalities play in elections in new democracies.

If electoral violence is a strategy to subvert the democratic process, or a response to a competing's candidate's attempt at subverting the democratic process, then one also needs to identify the conditions under which political actors are more likely to violate the democratic rules of the game. One consequence of group inequality is that it increases the stakes of the electoral contest, and this in turn increases the incentives for both incumbents and challengers to subvert the rules. However, not all elections are created equal. A candidate's decision to use violence or rig an election also depends on the likelihood that the candidate will win the election without doing either (c.f. Long 2012). A candidate with a very low chance of winning the election is less likely to subvert the election process, as it would be nearly impossible to win the election, even if one does subvert the process. The same is true for candidates with a very high chance of winning. They have few incentives to attempt to rig the election when victory is likely without fraud, especially since cheating is likely to reduce the credibility of their victory and rule

(see Svolik and Chernykh 2012). In other words, the democratic credible commitment problem is more severe when the incumbent and challengers both believe they can win the election. This in turn increases the likelihood that candidates will attempt to rig the election, thus increasing the probability for electoral violence. This leads to my second hypothesis:

> **Hypothesis 2: New democracies with legacies of ethno-political discrimination are more likely to experience pre-and post-election violence if the election is perceived to competitive.**

Even new democracies with severe legacies of group inequalities and very close elections have peacefully transferred power—for example, Ghana. This suggests that these states have institutions that mitigate the potential for violence. The key concern for incumbents, challengers, and their supporters is whether the electoral process is credible, free, and fair, and whether the losers believe that they can compete for power in later elections (Przeworski 1991). We must therefore examine institutions that can guarantee incumbents and challengers a credible election and assure that today's losers can compete in tomorrow's elections. Even though Przeworski (1991) does not specify what these institutions might be, he does provide some important insights as to what we should look for.

Przeworski (1991) argues that democracy entails clear rules and procedures but uncertain outcomes. However, institutionalizing procedural certainty in new democracies is a great challenge. As Valerie Bunce points out:

> One of the problems facing many new democracies today is that they tend to be hybrid regimes, combining authoritarian elements with democratic elements. This is usually analyzed through long discussions of each of these political threads and their complex historical origins. However, the problem can be stated more succinctly. Many of these regimes combine the uncertain results of democracy with the uncertain procedures of authoritarianism. They have deregulated politics but have not regularized the rules of the game (Bunce 2000, 714-715).

Institutionalizing procedural certainty is critical in new democracies with politically and economically marginalized groups. These groups worry whether the electoral process will be free and fair. Will their preferred candidates be allowed to stand for election? Will they be allowed to vote? Will the incumbent autocrat and his or her supporters steal the election? And perhaps most important, both incumbents, challengers and their respective supporters worry about the ability to compete for power in the future if they lose elections today.

One way to institutionalize procedural certainty is to empower third parties to regulate and manage elections, so called electoral management bodies (Mozaffar and Schedler 2002). The study of electoral management bodies (EMBs) is new, and my dissertation is the first to systematically examine their effect on electoral violence. In consolidated democracies, little attention is paid to EMBs, but as Pastor points out, they are critical in new democracies where "many people assume that the conduct of elections is manipulated to serve one party's interest" (Pastor 1999, 78). The quality of EMBs "can determine whether an election is a source of peaceful change or a cause of serious instability" (ibid, 75). According to an emerging literature, independent election management bodies are critical for any new democracy that wishes to hold free and fair elections (c.f. Mozaffar and Schedler 2002; Pastor 1999; Gyimah-Boadi 1999; Elklit and Reynolds 2002; Lopez-Pintor 2000; Diamond and Morlino 2004 and Svolik and Chernykh 2012). However, no one has systematically examined whether independent EMBs are more successful than non-independent EMBs at administrating free, fair and peaceful elections (see Hartlyn et al 2008 for an exception).[12]

I argue that independent EMBs can reduce the likelihood of electoral violence for three mutually reinforcing reasons: First, because an independent EMB is not beholden to any of the

[12] Nicholas Kerr (2013) shows that *de jure* independent EMBs increase the public's perceptions that an election was free and fair.

political actors competing in an election, it can extend the time horizons of the political actors and thus reduce the incentives to cheat or use violence to win. According to Przeworski (1991), the solution to the credible commitment problem is a democratic institutional framework that extends the time horizon of political elites (p. 19). Institutions that convince losing candidates that they can compete for power in the future will thus make candidates accept a present defeat, reducing the risk that a candidate will try to cheat to win.

Second, independent EMBs makes it harder for the candidates to cheat, even if they want to, since candidates, especially the incumbent, have less control over the electoral process. When EMBs control voter registration, polling, counting and tabulation, common methods of rigging such as manipulating the voter register, ballot stuffing, and manipulation of the final tabulation make it more difficult for candidates and their proxies to engineer the results they want. Furthermore, independent EMBs are also more likely allow international and domestic observers, as well as political party agents, to systematically observe the elections, all of which makes blatant rigging more difficult.

Third, according to Weingast (1997), the problem is that citizens must coordinate to react when the ruler oversteps his boundaries, and coordination is difficult. However, as I argue above, a subset of the citizens can easily coordinate when they share interests, the stakes are high, and they have a leader who can mobilize them. However, since independent EMBs provide information to the public about the behavior of the political candidates, and of the electoral process in general, a candidate's supporters are less likely to protest over an election result if they believe the election was free and fair, even if their candidate contends otherwise.

Research on procedural justice has shown that people often accept negative outcomes as long as the procedures are seen as fair (Tyler et al. 1997). As Hechter shows in his work on

nationalism, even though people might perceive the results (losing an election or losing prior privileges) as unfair, they are less likely to use violence to change the outcome if they perceive the procedure that leads to the outcome as fair (Hechter 2000, 153).[13] Thus, a losing candidate will find it difficult to mobilize his supporters as long as an independent EMB can convince citizens that the election was free and fair.

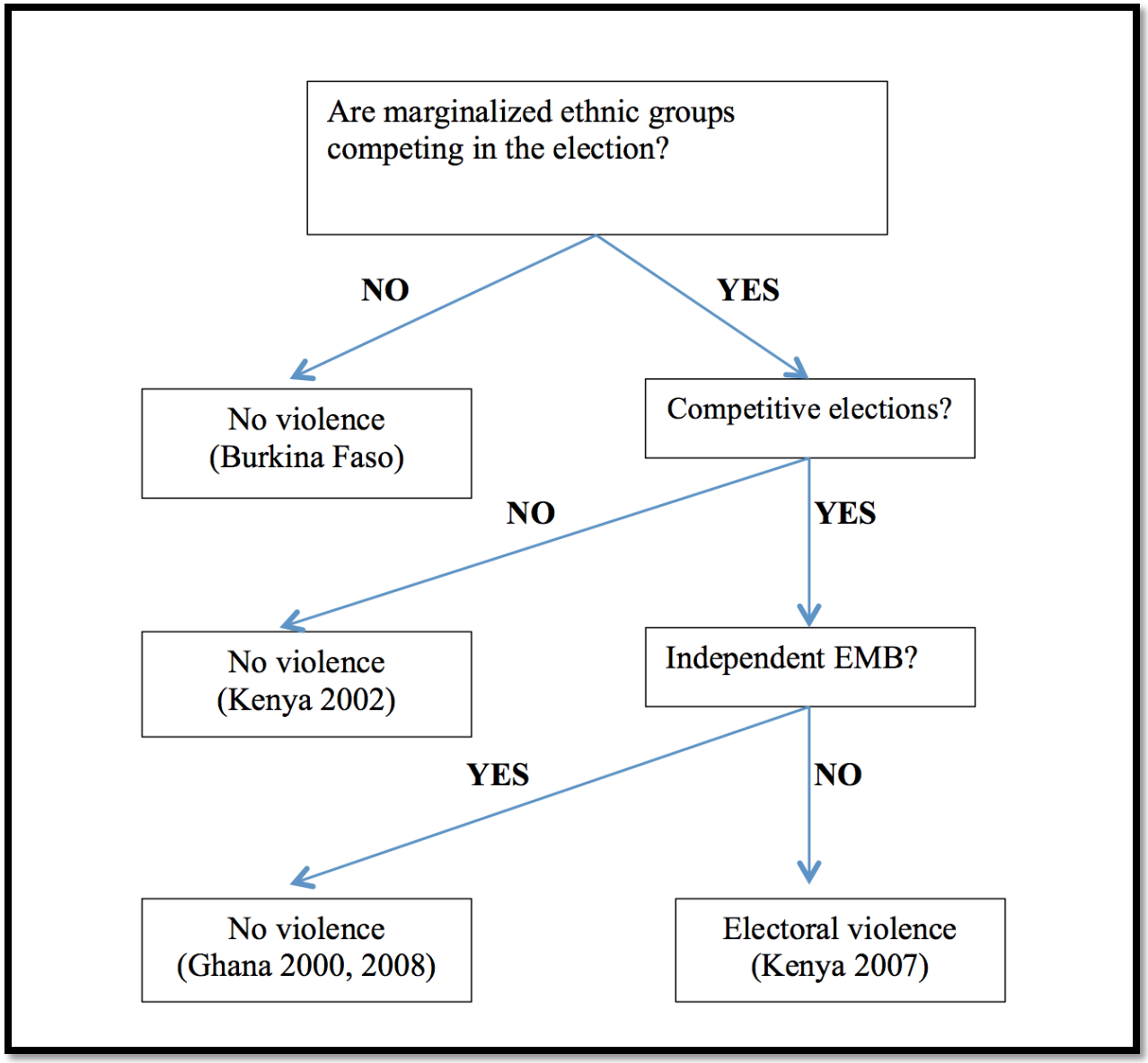
The more that candidates and voters perceive elections as fraudulent, the greater the risk of violence. Democratization changes expectations about the future, and a flawed election is a direct assault on these new beliefs. Unless the state institutionalizes procedural certainty and political actors commit to the democratic process, groups might see violence as the only, or best, recourse to a perceived unjust electoral process. One factor that can reduce the risk of electoral violence in new democracies with group inequalities is a third party that can institutionalize procedural certainty and provide a credible election process. This leads to my third hypothesis:

> **Hypothesis 3: New democracies with legacies of ethno-political discrimination that have competitive elections are less likely to experience pre and post-election violence when an independent electoral management body organizes elections.**

Figure 1.1 shows how the three hypotheses are separate but generate mutually reinforcing empirical implications.

[13] Levi (1989 and 1997) also shows how important a perception of fairness is for citizen consent.

Figure 1.1Explaining electoral violence in SSA 1990-2010



1.3 Alternative Explanations

There are several alternative explanations that can explain variation in electoral violence both within and across states. Some of these explanations come from the institutional literature on civil and ethnic conflict (Gurr 2000; Saideman et al. 2000; Shugart and Carey 1992 and

Mainwaring and Shugart 1997), while others come from recent literature on electoral violence in particular (Fjelde and Høglund 2014). Other alternative explanations come from international relations scholars' work on international election observation (Hyde and Marinov 2013; Borzyskowski 2013 and Daxecker 2012).

First, scholars in comparative politics have largely focused on two types of institutions that might explain variation in ethnic violence: electoral systems and presidential vs. parliamentary systems. Several authors examine how different electoral systems influence the outcome of elections and the nature of campaigns. According to Saideman et al. (2002) and Fjelde and Høglund (2014), plurality, or first past the post systems, can lead to further exclusion, rather than equalizing power between groups.[14] Whereas democratization leads marginalized groups to expect a greater share of power, plurality systems might lead to continued exclusion or marginalization, and thus conflict.[15] Theoretically, the problem with majoritarian systems is that they induce a winner-take-all dynamic. Even relatively large ethnic groups might be completely excluded from power due to the electoral system. This means that the cost of electoral defeat increases significantly and might undermine the loser's commitment to democratic rule. If political elites feel that the process through which they are denied a seat of the table is unfair, they might be tempted at mobilizing their supporters to use violence to gain access to power (Fjelde and Høglund 2014). In systems with proportional representation seats are distributed according to the number of votes received. This means that even small parties and ethnic groups can gain, at the very least, some representation in parliaments. It also increases the opportunity of

[14] See Sisk and Reynolds (1996) for a collection of essays addressing how different electoral systems impact the potential for democracy to lead to peace in post conflict societies.

[15] In a recent paper, Fjelde and Høglund (2013) examine electoral violence in particular and argue that majoritarian systems and "single-member districts induce a winner-take-all dynamics, which increases the costs of electoral defeat and undermine state and non-state actors' commitment to democratic rules" (2014, 1). In addition, several scholars also advocate for preferential voting systems. These systems allow voters to rank-order candidates, which according to Reilly (2001), tends to increase "prospects for the consolidation of moderate, centrist political competition" (Reilly 2001, 9); see also Horowitz 1985, 1991 and Sisk 1995.

smaller parties to create coalitions that will allow them to seriously compete and win elections, providing them with an opportunity to participate in government coalitions.

Second, several scholars argue that differences between parliamentary or presidential systems are key to explaining political stability (see Shugart and Carey 1992; Mainwaring and Shugart 1997). Since presidential systems often include a division of power between the president and the legislature, these authors suggest that presidential systems are less likely to lead losing parties to take up arms (Saideman et al. 2002). However, as Straus and Taylor (2012) argue, in the African context, the president is usually the sole arbiter of power, thus one would expect presidential systems to experience more electoral violence.

Several recent papers examine electoral violence as a separate category of violence, and post-election violence in particular (Daxecker 2012; Hyde and Marinov 2014 and Borzyskowski 2013). These authors all find that post-election violence is more likely when international election observers denounce elections as fraudulent. The argument is that, rather than deter fraud, international observers provide losing candidates and their supporters with information about the fraudulent behavior of the winner. This information functions as a focal point, making coordination between losing political elites and citizens more likely. The argument is perhaps more of a supplement to my own argument rather than an alternative explanation. Whereas my theoretical framework also suggests that election fraud will increase the risk of electoral violence, I do not think political elites and citizens need international observers to confirm that an election was fraudulent in order to act violently. None of the authors who examine the election observer-election violence nexus, provide a theory for the conditions under which we should expect to observe fraud in the first place. Rather they assume that election fraud is a given and only when election observers denounce elections will violence take place. Though this

explanation supplements my own rather than challenge it, it has become prominent in the literature and I test it in chapter two.

1.4 Research Design

I use qualitative and quantitative methods to evaluate my hypotheses, a combination that enables me to pay close attention to context as well as assess the plausibility of general processes and relationships between variables. Each method compensates for the weaknesses of the other. The quantitative component is a cross-sectional analysis of all elections in sub-Sahara African between 1990 and 2010. While this statistical analysis says little about the causal process, it allows me to test my hypotheses, the alternative explanations and the generalizability of my argument. Understanding causal processes requires close empirical analysis of context; the other part of my study involves in-depth case studies of elections in Kenya and Ghana. Below I outline, in detail, both my qualitative and quantitative research designs.

1.4.1 Quantitative research design

I test my hypotheses and the alternative explanations in a cross-national large-n study of all elections in sub-Saharan Africa between 1990 and 2010. I use several publicly available datasets, as well as a new dataset, the African Electoral Management Body Independence Data (AEMBID), that I have compiled on the *de facto* independence of all EMBs in sub-Saharan Africa for the relevant period.

To date, no one has systematically collected and coded data on EMB *de facto* independence. Several scholars have collected data on various forms of *de jure* independence (López-Pintor 2000; Birch 2008 and 2010; Hartlyn et al. 2008 and Mozaffar 2002).[16] This focus on legal independence is understandable, as it is easier to find data on broad legal rules than on

[16] See Hamberg and Erlich (2013) for a discussion of the various problems of these measures.

the actual behavior of election commissions. But legal rules are only as strong as the will of individual actors to uphold them and of political actors to enforce them. While some of these measures are better than others, no *de jure* independence indicator captures the real de facto independence of an EMB. More importantly, while they may accurately predict non-independent commissions, the measures will most likely over-predict independent commissions. That is they will suffer from false positives (Type I errors), in that they will typically over-predict the true level of independence. Rather than measure *de jure* independence of election commissions, I use international organization's election observation reports and academic articles written about the elections to measured *de facto* EMB independence directly. I present each of the data sources in the following chapters.

1.4.2 Qualitative research design

To test my hypotheses against the alternative explanations I conduct a series of comparative case studies of all Kenyan elections since 1992, and Ghana's 2000, and 2008 election. My qualitative research design follows three methodological choices. The first is to emphasize small-N, comparative case-study analysis as part of a "nested" analysis (Lieberman 2005). The second methodological choice is to leverage several "negative," non-violence cases (Kenya 2002 and 2013, and Ghana 2000 and 2008), and compare these to several "positive," electoral violence cases (Kenya 1992, 1997, 2007). The approach follows the logic of a "possibility principle" (Mahoney and Goertz 2004). The analysis seeks to understand what was commonly different among the non-violence cases from what was commonly present among the violence cases. The final design principle is related: In selecting my cases I sought cases with a high degree of unit homogeneity. Five of my cases are from Kenya (1992, 1997, 2002, 2007, 2013), while two of the

cases are from Ghana (2000, 2008). The Kenyan cases, all being from the same state, naturally have a very high degree of unit homogeneity, and, as I argue below, Ghana and Kenya share many of the same important factors we would expect to be related to electoral violence as well (Table 2 below shows the similarities and differences on each of the main variables).

1.4.2.1 Case selection

Ghana, a former British colony, was the first sub-Saharan country to gain its independence in 1957, and from independence until 1966 Kwame Nkrumah served as president. The period between 1966 and 1981 was relatively unstable politically, with several coups taking place. In 1981, flight Lieutenant Jerry John Rawlings took power through a coup and banned all political parties almost immediately. With international and domestic pressure mounting, Rawlings returned Ghana to multiparty democracy in 1992. The first multiparty presidential election was held in November 1992, which Jerry Rawlings won. Rawlings won again in 1996, but because of term limits he did not run again in 2000. Rawlings anointed John Atta Mills as the leader of his party, the National Democratic Congress before the 2000 election, but the opposition candidate John Kufour election won the election. John Kufour also won the 2004 election. In 2008, eight years after his first attempt, John Atta Mills won a very close election in the second round.

Ghana is multiethnic state with about 60 different ethnic groups, where the four largest groups, the Akan, Mole-Dagbon, Ewe, and Ga-Dangme, compromise about 86 per cent of the population (Langer 2008). There are also significant group inequalities in Ghana. According to Langer (2008), there is a serious development divide between the northern and southern regions and thus between groups such as the Akan who primarily lives in the South and the Mole-Dagbon who lives in the North. Østby et al (2009), who identify regional inequalities based on Demographic and Health Surveys, find that there are significant socio-economic inequalities

between the Volta region and the Greater Accra and Ashanti regions. This is particularly interesting as the main political divide in Ghana has been between Ewe's, who lives primarily in the Volta region, and Akans, who live primarily in the two other regions. Yet, even with significant horizontal inequalities, Ghana has held five multiparty elections without experiencing any significant electoral violence.

After Kenya became independent in 1963, Jomo Kenyatta served as President of a *de facto* one party state until his death in 1978. Daniel arap Moi replaced Kenyatta in 1979, and in 1982 he changed the constitution to a *de jure* one party state. After intense pressure from international donors, President Moi accepted changes to the constitution in 1991, and Kenya held multiparty elections in December 1992. Prior to the elections, President Moi planned and organized attacks on opposition candidates and their supporters, and several hundred people died and thousands were forced to flee their homes. In the end, President Moi won the election, but he only received 36 percent of the votes.

The 1997 election was remarkably similar to the 1992 election, both in terms of the candidates who ran and the pre-election violence that took place. Just as in 1992, President Moi planned and organized violence against opposition supporters, and in the end he won with about 40 percent of the vote. Because of term limits, President Moi did not run in the 2002 election. He anointed Uhuru Kenyatta as the leader of his party, but the opposition candidates Raila Odinga and Mwai Kibaki joined forces and Kibaki, who ran for President on the Kibaki-Odinga ticket, won over 60 percent of the votes, while Kenyatta only received 31 percent. The election was hailed as Kenya's best election both because of how it was administered and because it was peaceful. However, the Kibaki-Odinga alliance faltered quickly, and in 2005 Odinga left the government.

In 2007, the main contenders for President were Mwai Kibaki on one side and Raila Odinga on the other. Early polling suggested that Odinga was favored to win the election, though the gap narrowed as election day approached. After a long delay in counting and tabulating votes, the leader of the Election Commission of Kenya, Samuel Kivuitu, announced that Mwai Kibaki had won on December 30, 2007. Almost immediately after the announcement large-scale riots broke out and parts of Kenya exploded in post-election violence. Estimates indicate that about 1500 people were killed and several hundred thousand people were internally displaced (Waki 2008). All reports and investigations indicate that allies of Raila Odinga planned the violence, as response to what they believed was a rigged election.[17] Indeed, the International Criminal Court charged four individuals for the post-election violence that took place. Two of the charged individuals, William Ruto and Joshua arap Sang, are charged with planning and organizing the violence that occurred immediately after the announcement of the results. The two other individuals, Uhuru Kenyatta and Francis Muthara, are charged for organizing revenge attacks against Odinga supporters.[18]

Except for the fact that most of Kenya's elections have been very violent affairs, Kenya resembles Ghana in many respects. Like Ghana, Kenya is a unitary state, with a presidential system and with a single member district, first-past-the-post electoral system. Kenya is also a multiethnic state. Kenya consists of 42 recognized ethnic groups and according to the 2009 census the largest groups are the Kikuyu (17.2%), Luhya (14%), Luo (12%), Kalenjin (13%) and the Kamba (10%). There are significant horizontal inequalities in Kenya as well, in particular between the Kikuyus and the Luos.

[17] According to Kanyinga et al. (2010) Kibaki won because of rigging.
[18] Muthara's case has been dismissed in pre-trial hearings.

Jomo Kenyatta, the first President of Kenya, gave preferential treatment to members of his own group, the Kikuyus. According to Rothchild (1969), non-Kikuyus' weariness of Kikuyu hegemony became so pronounced that a new term, 'Kikuyuisation', came into use (Rothchild 1969). The Kikuyus quickly dominated the civil service, as well as the political leadership in different ministries. Moi, who became president after Kenyatta, is a Kalenjin, and following the coup attempt in 1982 Moi filled his inner circle with people from the Kalenjin ethnic group. The civil service and military also gave preferential treatment to Kalenjin people (Ndegwa 1997; Kahl 1998; Ajulo 2002). The combined effect of these initiatives was that employment opportunities and patronage dried up for Kikuyus across Kenya. Since independence, only individuals from the Kikuyu and Kalenjin ethnic groups have held the presidency, and in general the electoral violence that has taken place has pitted Kikuyus against Kalenjins, Luos, and other marginalized groups.

As this brief overview shows, Ghana and Kenya are similar in many respects, but vary in the degree to which they have experienced electoral violence or not. One aspect not addressed here is the degree of independence of the electoral commission. The Ghanaian election commission has generally received praise for their independence and professionalism (c.f. Gyimah-Boadi 1999), but no one has systematically analyzed the degree to which the Ghanaian election commission is independent, and the degree to which the candidate's decision to not use violence is related to the independence of the election commission. Kenya's election commission, on the other hand, has without doubt lacked independence (c.f. Kanyinga et al 2010). Thus, while the cases vary on the dependent variable and on the critical independent variable, these three cases share fundamental structural and historical legacies, thus allowing me to control for other potential explanations such as electoral systems (see Saideman 2002;

Horowitz 1985, 1991; Reilly 2001), parliamentary vs. presidential systems (Shugart & Carey, 1992; Shugart & Mainwaring, 1997), and colonial history (Mozaffar 2002).

Below is a summary of how the key variables from my own argument, as well as the alternative explanations fit in Kenya and Ghana.

Table 1.1 Independent and dependent variables / Alternative explanations

Cases	HIs	Close Election	EMB Indep	Pres./ Parliam.	Electoral system	Int. Denunciation	Electoral Violence
Kenya 1992	Yes	Yes	Low	Pres	SMD/ FPTP	Yes	Pre-election
Kenya 1997	Yes	Yes	Low	Pres	SMD/ FPTP	Yes	Pre-election
Kenya 2002	Yes	No	Low	Pres	SMD/ FPTP	No	No
Kenya 2007	Yes	Yes	Low	Pres	SMD/ FPTP	Yes	Post-election
Kenya 2013	Yes	Yes	Medium	Pres	SMD/ FPTP	Mixed	No
Ghana 2000	Yes	Yes	High	Pres	SMD/ FPTP	No	No
Ghana 2008	Yes	Yes	High	Pres	SMD/ FPTP	No	No

1.5 Outline of the dissertation

In the chapters that follow, I use both qualitative and quantitative methods to test the three hypotheses and the alternative explanations. In the next chapter, I test hypothesis one, that ethno-political exclusion increases the risk of electoral violence. The statistical tests shows that ethno-political exclusion significantly increases the risk of electoral violence. Having shown that there is a statistically significant relationship between ethno-political exclusion and electoral violence, I examine Kenya's 1992 and 1997 elections to explore the causal process. I start this section of the chapter with a brief historical overview of Kenya since independence in 1963, and show how, over time, certain ethnic groups dominated the political sphere in Kenya. Having established that certain ethnic groups have been excluded from power, I show how the

incumbents used ethnicity and fear of future loss of privilege to mobilize its supporters to use violence against other ethnic groups during both elections.

In chapter three, I briefly expand on the case studies in chapter two and compare the 1992 and 1997 elections in Kenya with the 2002 election. The main difference between the violent 1992 and 1997 election, and the peaceful 2002 election, is that while the incumbent regime seriously feared that they could lose the first two elections, there was no doubt who would win the 2002 election. In the two first elections (1992 and 1997), the incumbent regime used ethnic appeals and organized pre-election violence to mobilize voters to vote for Moi and KANU, while in 2002, the opposition remained united and strong, and there was no doubt that they would win the election. The KANU regime appeared to crack and was seriously weakened as President Moi was precluded from running for re-election, and as a consequence the use of violence was unlikely to secure KANU victory.

In the second part of the chapter, I test the second hypothesis—that ethno-national exclusion and competitive elections increases the risk of violence—quantitatively. I use the same research design as in chapter two, but add a competitive elections variable. The statistical results shows that the interaction between ethno-political exclusion and competitive elections is a dangerous combination that significantly increases the risk of bot pre-and post-election violence. To further test this relationship I also show that the combination of competitive elections and ethno-political exclusion increase the risk of election fraud, and that election fraud increases the risk of electoral violence.

Having established what factors increase the risk of electoral violence in chapters two and three, I turn to an institutional analysis in chapter four. In this final empirical chapter, I first show, in a cross-national research design that *de facto* independent election commissions

mitigate the risk of electoral violence, even in high-risk situations. I also show that these election commissions reduce the probability of electoral fraud.

To examine the causal process I leverage several negative cases—that is, several cases that did not experience electoral violence. First, I explore the 2000 and 2008 elections in Ghana. I show that Ghana is similar to Kenya in most respects, except that the Election Commission of Ghana was highly *de facto* independent, and it managed to design an electoral process that the candidates found credible and trustworthy. The effect of this was that the losing candidates, rather than use violence to gather support prior to the election or to overturn the results, accepted the results of the election and competed peacefully again in future elections.

In addition to the 2000 and 2008 elections in Ghana, I also examine Kenya's very violent 2007 election to the peaceful 2013 election. The 2007 Kenyan election provides additional support for hypothesis two, while it also shows the importance of independent election commissions. The 2007 election was very competitive and the incumbent, rather than use pre-election violence rigged the election by appointing a highly biased election commission. This election commissioned rigged the election on behalf of the incumbent and the losing candidate, Raila Odinga, organized a violent campaign to challenge the election result. I conclude this chapter by examining the constitutional changes made in Kenya after the 2007 election, and in particular the new election commission that was set up. The case study of the 2013 Kenyan election shows that while the appointment of the new election commission was exemplary, the new commission failed to ensure a transparent and credible electoral process, which led the losing candidate, Raila Odinga, to once again challenge the result. However, rather than calling for violence, Odinga challenged the results in the reformed Supreme Court of Kenya. The 2013

election shows that a judiciary, if perceived as *de facto* independent, can function as a substitute for electoral management bodies.

I conclude the dissertation in chapter five. First, I address the broader contributions of my dissertation in the emerging field of electoral integrity and I briefly summarize my findings. I conclude by suggesting several avenues for future research.

Chapter 2: Ethno-National Exclusion and Electoral Violence

2.1 Introduction

In this chapter, I test the hypothesis that electoral violence is more likely in states with ethno-political inequalities than in states without such group inequalities and the alternative explanations outlined in chapter one. I use both quantitative and qualitative evidence to test my hypothesis and the alternative explanations. The chapter proceeds as follows: In the next section I briefly present the theoretical argument and detail the causal mechanisms that link ethno-political inequality to electoral violence. I then present several observable implications that I use to test the hypothesis. In section three, I present the alternative explanations. I present the quantitative research design and the data I use to test the hypothesis in section four. In section five I present my quantitative findings. In section six I present my qualitative research design and findings. I conclude the chapter in section seven.

2.2 The argument

As I write in the introduction, recent research on civil wars provide valuable insights into the structural conditions that make armed violence more likely. This research shows that ethno-political exclusion facilitates group mobilization by politicizing ethnic identities. When groups compare their own situation to that of other groups, objective socioeconomic and political inequalities are transformed into grievances. Politicians use these grievances to mobilize their supporters to use violence before or after the elections, if they lose.

A democratic transition, and especially elections, is a situation of great uncertainty, and to marginalized ethnic groups, elections is an opportunity to achieve an equitable distribution of

economic resources and political power. However, privileged ethnic groups see elections as a threat to end their privileged position. This mix of fear and hope can lead to a dangerous situation where elites refer to past discriminatory policies or the potential loss of privilege to mobilize their supporters to use violence in order to win elections.

Electoral violence, as conceptualized here, is either a strategy to subvert the democratic process, or a response to a competing's candidate's attempt at subverting the democratic process. In states with ethno-political discrimination, the incumbent regime and their co-ethnics are afraid that a loss at the ballot box will eliminate their long standing political, economic and social privileges and they will therefor attempt to win the election by rigging elections, or by using violence prior to the election. In either case, the challenger and his co-ethnics are likely to respond to the incumbent's attempt at subverting the democratic process by using violence to achieve their political goals. In other words, in states with group inequalities, electoral violence might occur prior to the election or after the election.

2.2.1 Observable implications

The main purpose of the qualitative case studies is to identify and understand the causal mechanisms—that is "the pathway or process by which an effect is produced or a purpose if accomplished" (Gerring 2007, 178). To do so obviously requires more than an assessment of whether the relevant variables co-vary. It requires careful process tracing.[19] However, whereas the independent and dependent variables are observable and measurable, causal mechanisms are often unobservable. This means that to test whether a specific independent variable (X) causes outcome (Y) through causal process (Z), one need to carefully specify the observable implications of the hypothesized causal process (Checkel 2013).

[19] For more on process tracing see Bennett and George (2005) and Gerring (2007).

For hypothesis one, we should first and foremost we observe electoral violence in states where one or more ethnic groups have been discriminated against either economically, socially, or politically. More specifically, either marginalized groups or privileged groups should be the main perpetrators of violence. That is, if members of an ethnic group that is neither marginalized nor privileged use violence, then the violence is not due to ethno-political discrimination. I also expect that the incumbent, or his or her supporters, are the ones who initiate pre-election violence, while the loser of the election should initiate post-election violence. An incumbent might initiate a violent campaign prior to elections to mobilize his supporters, while at the same time limit opposition supporters from voting. A violent pre-election campaign can remove opposition voters from the area were they are registered to vote or scare them from voting all together. A challenger is unlikely to follow the same strategy. Using pre-election violence as a challenger is a high-risk strategy; rarely does the challenger have access to the same resources the incumbent has. Thus, the government can respond by using its resources to counter the violence, which in turn can reduce the likelihood that the challenger will win the election. If a challenger uses violence prior to an election and loses the risk of prosecution is also high, which reduces the incentives for the challenger to use violence prior to the election.

In addition, the candidate who mobilizes supporters to use violence should refer to past injustices, or to the risks a privileged group faces if the other group wins to mobilize supporters. Finally, I expect violence to occur in places where privileged and marginalized groups live together or in close proximity. If violence occurs in ethnically homogenous areas it is unlikely that the violence is due to group inequalities. There are several reasons for this. First, when privileged and marginalized groups live in close proximity to each other, the voters are much more aware of the inequalities they are facing, and the opportunities or threats an election victory

might bring. Second, if the incumbent uses pre-election violence to gain a future electoral advantage, one would expect this violence to take place in competitive districts. In states with ethno-political exclusion, homogenous districts are rarely competitive, thus violence will take place in districts where privileged and marginalized groups co-habit. If the loser uses violence after an election, the target of that violence is likely to be the supporters of the winner. This too, indicates that violence will take place in heterogeneous districts.

2.3 Alternative explanations

As I detail in the first chapter, there are several alternative explanations that can explain variation in electoral violence both within and across states. In table 2.1 I outline each of them and show when we should expect to observe electoral violence (for more details see chapter 1).

Table 2.1 Alternative explanations / Causal arguments

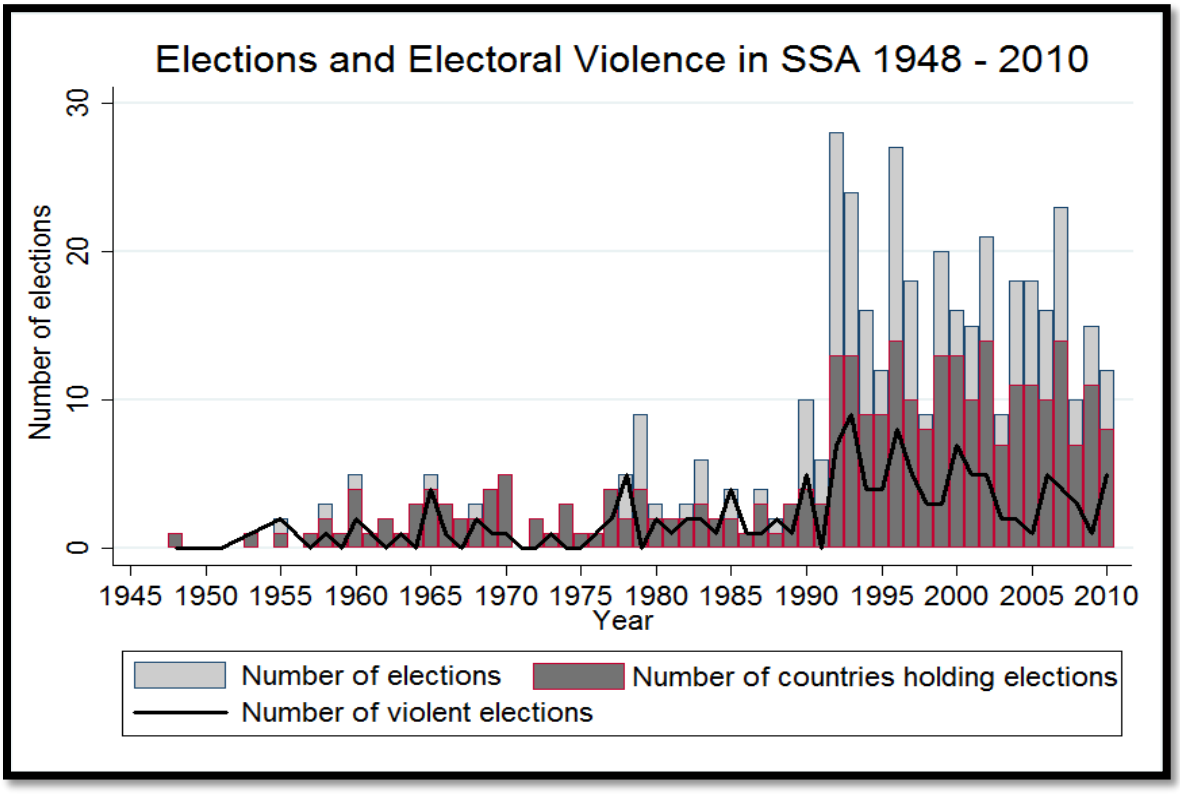
Alternative explanation	*Key independent variable*	*Causal argument*	*Pre or post electoral violence*
Electoral Institutions	First past the post (FPTP) vs. PR electoral system	FPTP increases winner takes all logic which increases incentives for violence	Pre and post-election
Presidential vs. Parliamentary	Presidential vs. Parliamentary	Division of power between presidents and parliaments reduce incentives for losing candidates/parties to use violence to gain power	Pre and post-election
Fraudulent elections	International observers denouncing election results	International observers provide information and signals of fraudulent elections which makes it easier for losers to mobilize and call for violent protests	Post-election

2.4 Quantitative Research Design

I test my hypotheses and the alternative explanations in a cross-national large-n study of all elections in sub-Saharan Africa between 1990 and 2010. Sub-Saharan Africa is an excellent region to test the competing arguments presented above since few African states are consolidated

democracies and the vast majority of the states have held multiple multiparty elections since 1990, many of which have been observed by reputable international election observers.[20] Figure two (below) illustrates how very few countries in sub-Sahara Africa held regular elections prior to 1990, and how this increased after 1990. It also illustrates how elections are often violent affairs, yet there is a significant level of variation in the number of violent elections. This variation indicates that elections by themselves do not lead to violence and some other factor(s) must account for the variation. Sub-Saharan Africa also makes for an excellent test of my hypotheses since, in addition to the variables I discuss below, I can control for potential unknown regional level variables that might influence the results.

*Figure 2.1 Elections and electoral violence in SSA 1948-2010**



*Source: National Elections Across Democracies and Autocracies Database.

[20] Scholars refer to credible election observers as observers coming from Western NGOs such as The National Democratic Institute (NDI), the Republican Institute (RI), Carter Center, European Union and the Organization for Cooperation and Security in Europe.

2.4.1 The Dependent Variable: Electoral Violence

The concept of electoral violence is defined as a violent strategy to subvert the democratic process, or a response to a competing's candidate's attempt at subverting the democratic process. In other words, I conceptualize it as an elite-led process. Incumbents or challengers use violence to win power through elections. This means that is it different from other types of political violence, such as an insurgency, which is violence to achieve a political goal directly, and not through an electoral process. I operationalize electoral violence as physical violence and coercive intimidation directed toward members of a distinct "other" group or government authorities, and that is "directly tied to an impending electoral contest or an announced electoral result" (Straus and Taylor 2012; 19).

To measure electoral violence, I follow Straus and Taylor (2012) who provide an ordinal measure of electoral violence for all multiparty elections in sub-Sahara Africa between 1990 and 2008, and I have extended their data to include all elections in 2009 and 2010 as well. They distinguish between non-violent, violent harassment, violent repression, and highly violent campaigns. Violent harassment refers to incidents of party supporters brawling in the streets and police and security forces breaking up rallies. Violent repression refers to incidents of high-level assassinations, long-term high-level arrests of party leaders and the consistent use of violent intimidation and harassment. Finally, an election campaign is considered highly violent if repeated widespread physical attacks occurred, leading to a substantial number of deaths over time. Finally, Straus and Taylor disaggregate further by distinguishing between pre-electoral and post-electoral violence. Pre-election violence is violence that takes place six months or less prior to an election, while post-election violence is violence that takes place three months or less after the election (Straus and Taylor 2012). The coding is based on the U.S. State Department's annual

Country Reports on Human Rights Practices. Because I am interested in high levels of violence, and because my argument refers to elite-led violent campaigns, I exclude the lowest level of violence—violent harassment—from the analysis. I have recoded the data into one binary variable which I code as a "1" if violent repression or highly violent campaigns took place. In all of the models I present below, I use three different measures for electoral violence. First, I use "overall electoral violence". Each election that experienced pre-election, post-election, or both is coded as a "1". I then disaggregate this measure into pre-and post-election violence. They are coded "1" if a state experienced high levels of "pre-election violence" or "post-election" violence.

Overall the data indicates that 58 percent of all elections experiences some type of electoral violence in the period between 1990 and 2010. However, only 22 percent of the elections experienced high levels of electoral violence. The data also shows that pre-election violence is much more prevalent than post-election violence, 56 percent to 20 percent. However, only 17 percent of the elections experienced high levels of pre-election violence, and only 9 percent of the elections experienced high levels of post-election violence. Unfortunately, the data does not allow me to examine whether the incumbent or the challenger initiated the violence. Thus, in the quantitative analysis I cannot test whether the incumbent was more likely to use pre-election violence and whether the loser was more likely to use post-election violence.

2.4.2 Independent variables

To test hypothesis one—that new democracies with legacies of ethno-political exclusion are more likely to experience electoral violence than new democracies without group inequalities—I use data on ethno-political exclusion from the Ethnic Power Relations dataset (Cederman et al.

2010). The EPR dataset identifies all politically relevant ethnic groups and measures access to central state power for their members, over time. For each state, in each year, EPR records the size of each ethnic group as a percentage of the total population, and whether the ethnic groups were represented at the executive level of government.[21] I use two variables from the EPR data. First, I use a variable that records the percentage size of total population that is either powerless or discriminated against. In other words, this variable is the sum of the percentage size of all ethnic groups that are excluded from power. Second, I use a variable that records the percentage size of the largest ethno-political group that is either powerless or discriminated against.

2.4.3 Alternative explanations: Variables

To test whether majoritarian systems are more likely to lead to electoral violence I use data from the Database of Political Institutions from the World Bank (Beck et al, 2001). I use their variable plurality which is equals one if legislators are elected using a winner-take-all / first past the post rule. To test whether presidential systems reduce the likelihood of electoral violence I use data from Cheibub et al (2010). I have recoded their variable on regime type and created a variable that equals one if the regime is a presidential democracy and zero if it is not.

The final alternative explanation suggests that electoral violence is more likely when international observers are present and report that significant fraud took place. To measure this I use a variable from the National Elections Across Democracy and Autocracy dataset (Hyde and Marinov 2012). Specifically, I use nelda47, which equals one if credible Western election monitors observed the elections, and made allegations of significant vote fraud in their reports.

[21] There are, to my knowledge no data available that measures economic or social inequality between ethnic groups in all sub-Saharan African countries. I therefor focus exclusively on political exclusion. It is also highly probably that political inequality leads to economic and social inequality in the patrimonial systems that dominate in sub-Saharan Africa.

2.4.4 Control variables

In addition to the variables described above, I include several control variables. Since electoral violence is most likely in states that have yet to consolidate their democratic practices I control for level of democracy. I use polity2 from the Polity IV dataset (Marshall and Jaggers, 2009) and lag it one year. Since the risk of electoral violence might increase in a state with an ongoing insurgency, I control for whether there is an ongoing armed conflict in the year of the election. This is a binary variable and from Uppsala's armed conflict dataset (Gleditsch et al. 2013). Rather than ethno-national exclusion, it is possible that a state's ethnic diversity might increase the likelihood that group-level grievances develop into electoral violence. To control for this I include a measure for ethnic fractionalization from Alesina et al (2003).[22]

Based on prior work on civil conflict, I also control for population size and economic development. Data on the two last variables is from the National Accounts Main Aggregates Database at the United Nations (2009). Finally, I control for whether the state in question experienced electoral violence during their last national level election and whether non-election related protests took place in the run-up to the election. I use Straus and Taylor's (2012) data for prior election violence, and the Social Conflict in Africa Database (Hendrix and Salehyan 2013) to record whether non-election related protests took place prior to the election.

2.5 Analysis

I test my hypotheses and the alternative explanations in a binary logistic regression with robust standard errors clustered on countries. The unit of observation is the election round. In table 2.2, I present three models. Models 1-3 show the coefficient for the variables used to test the alternative explanations. In model 1, the dependent variable is whether high levels of electoral

[22] Ethnic fractionalization just measures a states degree of ethnic heterogeneity, not whether any ethnic groups have been discriminated against.

violence took place before or after the election, while in model 2 and model 3, the dependent variable is whether high levels of electoral violence took place prior to (model 2) or after the election (model 3).

Table 2.2 Logistic regression alternative explanations

	Model 1 Overall	**Model 2 Pre-election**	**Model 3 Post-election**
International denunciation	2.37***	2.17***	0.60
	(0.79)	(0.73)	(0.74)
Majoritarian	-0.16	-0.56	-0.70
	(0.59)	(0.59)	(0.51)
Presidential system	-1.87**	-1.23	-0.80
	(0.73)	(1.14)	(0.72)
Democracy_lag	-0.04	-0.04	0.02
	(0.04)	(0.05)	(0.04)
Conflict	1.01	0.72	0.43
	(0.67)	(0.65)	(0.69)
Non-election protests	0.97**	1.12**	0.60
	(0.44)	(0.55)	(0.49)
Last election violent	0.66	1.21***	0.22
	(0.43)	(0.36)	(0.54)
Population_ln	0.82***	0.73***	0.19
	(0.30)	(0.25)	(0.23)
GDP per cap_lag	0.00	0.00	0.00
	(0.00)	(0.00)	(0.00)
Ethnic fractionalization	-0.56	-1.59	-0.18
	(1.26)	(1.45)	(1.25)
Constant	-13.67***	12.49***	-4.40
	(0.73)	(4.31)	(3.66)
N	197	197	197
Clusters	40	40	40
AIC	163.85	149.24	148.62

Country-clustered robust standard error in parentheses, ***p > .01, **p > .05, *p > .1

The initial results indicate that when international observers denunciate the electoral process the risk of both overall electoral violence and pre-election violence increases. However, there does not seem to be support for the argument that international denunciation increases the risk of post-election violence only. Interestingly, my analysis, contrary to Saideman et al. (2003) and Fjelde and Høglund (2013), does not find any relationship between majoritarian electoral systems and

electoral violence. The final alternative explanation, that presidential systems are less likely to experience electoral violence is supported in model one and two.

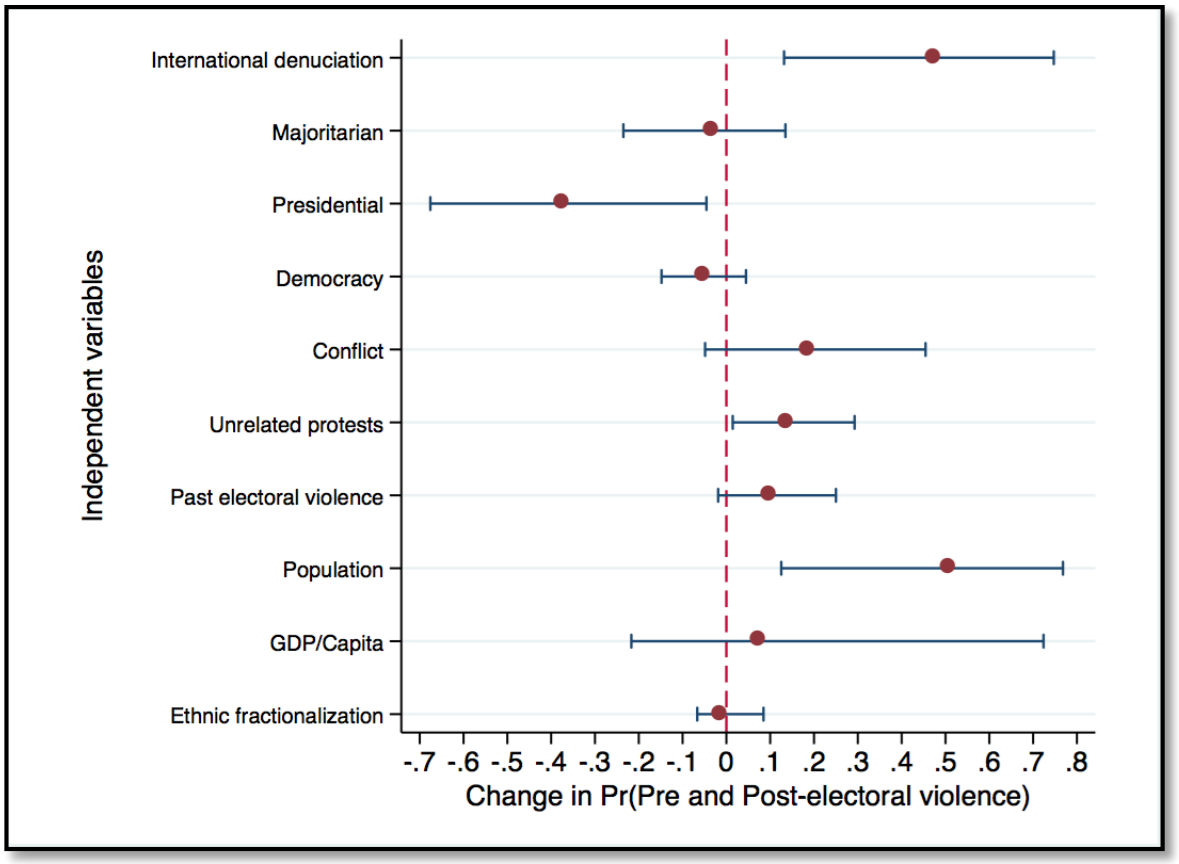
To better illustrate the results, figure 2.2 presents a more substantive picture of the relationship between the independent variables and overall electoral violence (model 1). The figure displays the predicted probabilities of electoral violence when each variable in model 1 moves from its mean to its maximum values, holding all other variables constant.[23] In substantive terms, we can see that an election, which is denounced by international observers, is approximately 50% more likely to experience electoral violence, when the dependent variable includes both pre and post-election violence, than an election where international observers are either not present or do not denounce the process.[24] However, combined with the analysis in model 1-3 (table 2.2), this does not provide support for the explanation. Recall that denunciation by international observers should lead to post-election violence and I find no support for such a relationship. The relationship between pre-election violence and international denunciation can be a spurious relationship or perhaps incumbents are more likely to use violence prior to elections when they know that international observers will be present to observe the election. Either way, my findings here does not support the argument that international denunciation increases the risk of post-election violence. We can also see from figure 2.2, that presidential systems are about 40% less likely to experience electoral violence, *cetris paribus*.

If we turn to the other control variables some of the results are as predicted and others are somewhat surprising. First, democracy is not significant in any of the models. This is somewhat unexpected, but is probably due to the fact that most sub-Sahara African states that have held elections do not vary much in their level of democracy. The coefficient for armed conflict is

[23] Binary variables are changed from their minimum to maximum values.
[24] These probabilities were calculated using the Clarify program in STATA, and were each run with one thousand groups of simulated parameters. The dots represent point estimates and the lines, 95% confidence intervals.

positive, but not significant. As one can see from figure 2.2, the confidence levels crosses zero, and thus we cannot with statistical certainty say that armed conflict increases the likelihood of conflict. However, non-election related conflicts increase the likelihood of both overall and pre-election violence. If the last election was violent, model 2 shows that this increases the probability of pre-election violence, but not overall violence. As expected, population size increases the risk of violence, both overall and before the election, while neither GDP per capita or ethnic fractionalization increases or decreases the risk of violence.

Figure 2.2 Predicted Probabilities model 1



I now turn to my own hypothesis. Recall that my first hypothesis states that ethno-national discrimination increases the risk of electoral violence. In model 4-6 (table 2.3), I test whether ethnic discrimination increases the likelihood of overall violence (model 4), pre-election violence

(model 5), and post-election violence (model 6). In each of the models I use, the percentage size of the total excluded population as my main indicator.[25]

Table 2.3 Logistic regression ethno-political exclusion and electoral violence

	Model 4 Overall	**Model 5** Pre-election	**Model 6** Post-election
Ethnic inequality (Size of total excluded population)	3.47***	3.63***	1.87**
	(1.34)	(1.24)	(0.89)
Int. denunciation	2.02**	1.93**	0.78
	(0.89)	(0.83)	(0.70)
Majoritarian	0.35	0.19	-0.04
	(0.77)	(0.93)	(0.62)
Presidential system	-1.61**	-1.30	-1.65**
	(0.74)	(1.09)	(0.70)
Democracy_lag	0.03	0.01	0.05
	(0.05)	(0.05)	(0.05)
Conflict	0.93	0.61	0.52
	(0.62)	(0.61)	(0.79)
Non-election protests	0.90*	1.01*	0.18
	(0.48)	(0.60)	(0.25)
Last election violent	0.45	1.04**	-0.48
	(0.47)	(0.43)	(0.56)
Population_ln	0.94***	0.81***	0.18
	(0.31)	(0.22)	(0.25)
GDP per cap_ln_lag	0.00	0.00	0.00
	(0.00)	(0.00)	(0.00)
Ethnic fractionalization	-1.63	-1.78	1.32
	(2.16)	(2.48)	(1.28)
Constant	-16.03	-15.06***	-5.17
	(4.90)	(4.01)	(4.23)
N	182	182	182
Clusters	39	39	39
AIC	144.01	123.87	123.89

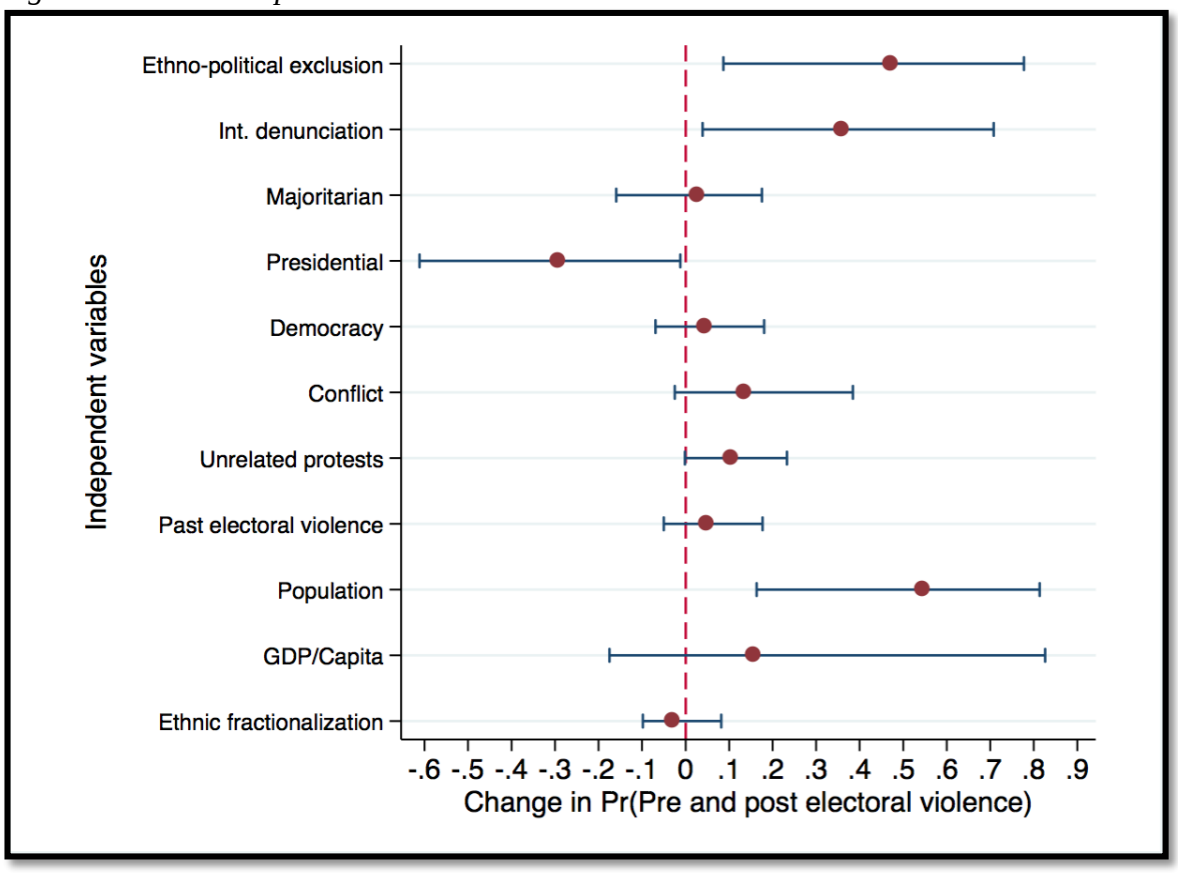
Country-clustered robust standard error in parentheses, ***p > .01, **p > .05, *p > .1

Table 2.3 shows that ethno-political exclusion is a strong predictor for electoral violence. Whether I use overall, pre or post-election violence, ethno-political exclusion is positive and statistically significant. As in the test of the alternative explanations, international denunciation remains positive and statistically significant in model 4 and 5, but it is not significant when I use post-election violence as the dependent variable.

[25] I have run multiple robustness checks and the results remain consistent when I use the size of the largest excluded ethnic group as a measure for ethno-political discrimination.

To examine the substantive effect of ethno-political exclusion I present two additional figures. In figure 2.3 I show the predicted probabilities of model 4. As we see from the figure, when country's excluded population increases from 19 percent of the population (mean size of the sample) to 91 percent of the population (max size in the sample), the risk of electoral violence increases with approximately 50% (47 percent to be exact).

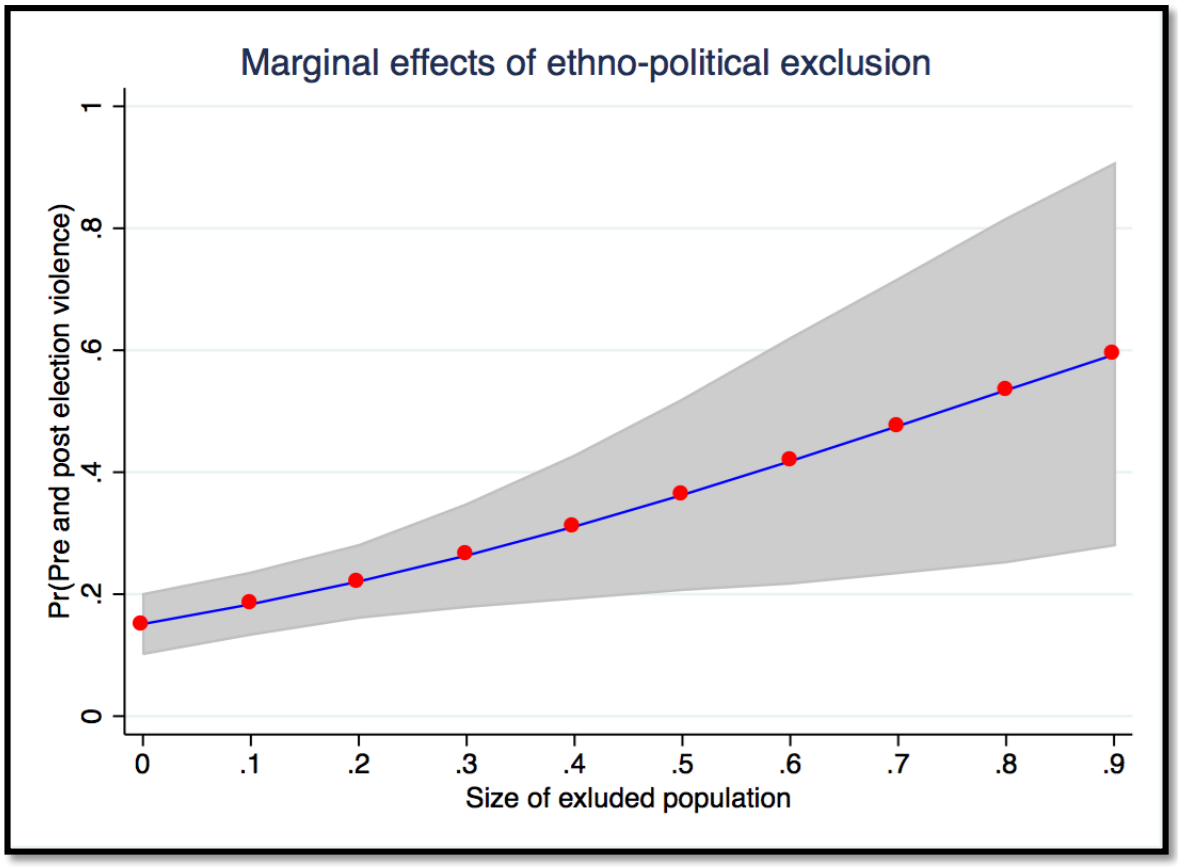
Figure 2.3 Predicted probabilities model 4



In figure 2.4, I show the marginal effect of ethno-political exclusion on overall electoral violence. The graph shows how the risk of electoral violence increases as the size of the excluded population increases. Here we see that as the size of the excluded population increases so does the risk of electoral violence. Indeed, a state with 50 percent of the population excluded

is twice as likely to experience electoral violence than a state with 10 percent of its population excluded. This makes sense. When the size of the excluded population increases more people have reasons to be upset with the status quo and the privileged group or groups have more to fear. This increases the stakes of the game and therefor it increases the risk of violence.

Figure 2.4 Marginal effects model 4



2.5.1 Summary

The statistical analysis shows strong and robust support for the hypothesis that ethno-national exclusion increases the risk for both pre and post-election violence. The evidence for the alternative explanations is much weaker. Indeed, I find no support for the argument that when international observers criticize the electoral process as fraudulent it increases the risk of post-election violence, though I do find evidence for international denunciation leading to pre-election

violence. There is also some support for the argument that presidential systems are less likely to experience electoral violence overall.

2.6 Electoral Violence in Kenya's 1992 and 1997 elections

The quantitative analysis shows that there is a strong relationship between ethno-political exclusion and the likelihood of electoral violence. Yet, even if the relationship between the variables is strong and robust this says little about the causal relationship between the variables. In this section of the chapter, I analyze the 1992 and 1997 elections in Kenya, and show how ethno-political exclusion is used by ethno-political elites as grievances and mobilizing mechanisms. Kenya is an excellent case to study the relationship between ethno-political exclusion and electoral violence. This is first and foremost because there is variation in electoral violence both over time and geographically: Secondly, I can control for several of the alternative explanations, since Kenya is a presidential system with first past the post electoral rules, and because international monitors have been present at all elections.

The structure of the remainder of the chapter as follows: First, I detail the ethno-national political structure in Kenya and show how, in particular, the Kikuyu ethnic group dominated the national political scene from independence in 1963 until Jomo Kenyatta's death in 1978. I then show how Daniel arap Moi, a member of the Kalenjin ethnic group and Kenya's second president, reversed the trend of Kikuyu domination and solidified the Kaljin's political dominance between 1979 and 1997. In the third section, I show how Moi's regime prior to the 1992 and 1997 election used violence as a tool to secure electoral victory and how this use of violence was driven by a fear of losing already-established privileges. Finally I show how the patterns of violence fit with the observable implications outlined above. In other words, violence

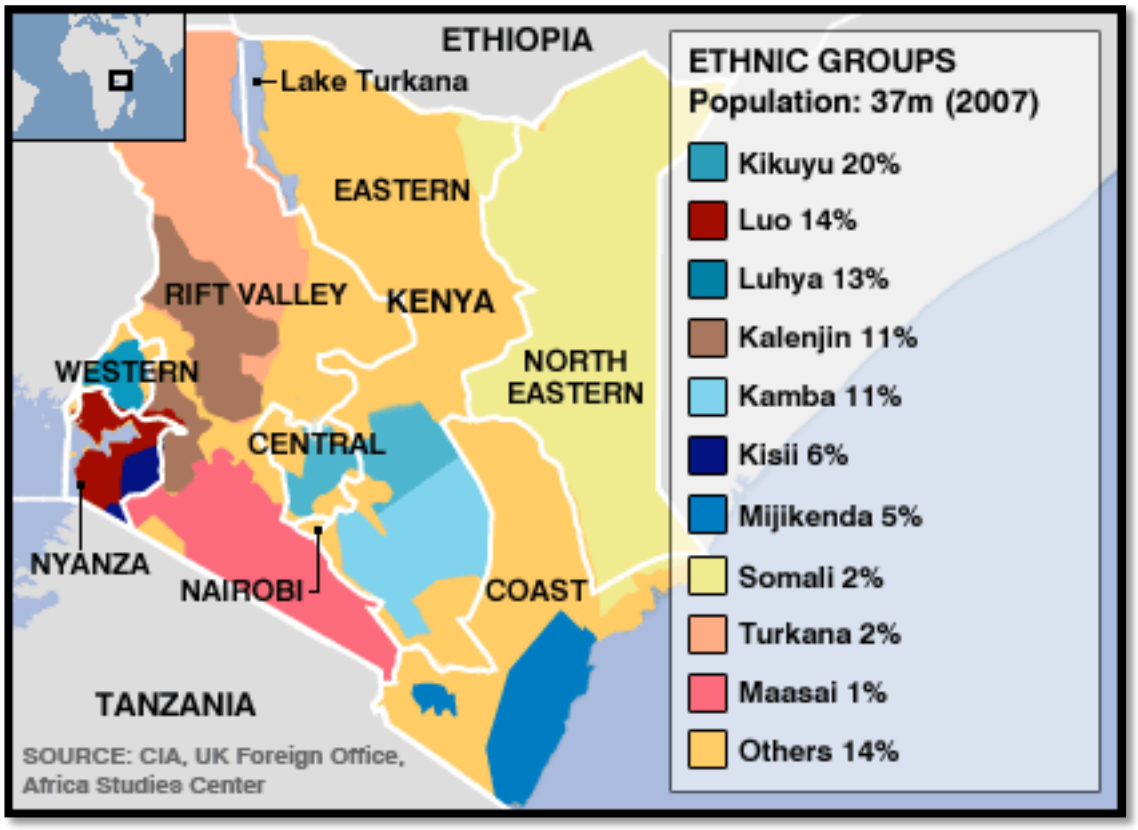
took place in heterogeneous regions where members of privileged and discriminated groups lived together.

2.6.1 Background

Kenya consists of peoples from more than 40 ethnic groups. These groups range in size from a few hundred people to over a million people. The five largest groups are the Kikuyu (22% of the population); the Luhya (14% of the population); the Luo (13% of the population); the Kalenjin (12% of the population) and the Kamba (11% of the population) (Throup and Hornsby 1998, 1).[26] In the aftermath of independence Kenya was divided into eight provinces, most of which remained fairly ethnically homogenous. The Kikuyus were mainly living in the Central province, the Luhyas resided in the Western province, the Luos lived in Nyanza province, the Kalenjins resided in the Rift Valley province, the Kambas were mostly found in Eastern province. Somalis dominated the sparsely populated North Eastern Province, the Coast province was more heterogeneous, but the Mjikenda ethnic group was the largest and most prevalent group there. The Nairobi province was truly a melting pot were people from all different ethnic groups resided.

[26] The Kikuyu ethnic group is closely related to the Embu and Meru group; combined, these three groups make up 27% of the population. The Luhya ethnic group is made of nine smaller groups, while the Kalenjin are made up of more than ten Nilotic ethnic groups (Throup and Hornsby 1998; Human Rights Watch 1993; Lynch 2012)

Figure 2.5 Ethnic group location in Kenya



When Kenya became independent in 1963, the first constitution guaranteed a multiparty system with free and open elections. In the run-up to independence three large political parties had emerged (Branch 2005). The largest and best-organized party was the Kenya National African Union (KANU), the second largest was the Kenyan African Democratic Union (KADU), and the third largest was the African People's Party (APP). Two of the largest ethnic groups, the Kikuyu—led by Jomo Kenyatta, and the Luo—led by Oginga Odinga and Tom Mboya, dominated KANU. During independence negotiations the interests of many smaller ethnic groups—especially the Kalenjins—were neglected. The colonial settlers had also alienated many Kalenjins and other pastoral ethnic groups from their land prior to independence. The Kalenjins, with support from other smaller groups, feared the Kikuyu-Luo dominance of KANU and established KADU to counter KANU.

KANU and KADU saw the future of Kenya in starkly different terms. Whereas KANU wanted to create a unitary Kenya with a strong national government, KADU proposed a system of *majimboism* (meaning regionalism in Kiswahili). *Majimboism* was a system in which ethnically "pure" regions would have significant self-determination and the central government would only have a limited defined federal role (Klopp 2002). The main reasons for KADU's call for *majimboism* was that colonial settlers had alienated many smaller pastoral ethnic groups from their land. Thus, KADU believed that a federal system, based on ethnically pure regions, would insure that people could regain access to their original land and avoid future Kikuyu-Luo dominance.

In May 1963, seven months prior to independence, Kenya held a national-level multiparty election. Voters elected representatives to seven regional assemblies, as well as the national-level Senate and House of Representatives. KADU won the majority of seats in the regional assembly of Rift Valley, Western, and the Coast provinces, while KANU won the remaining provinces and the majority in the Senate and House of Representatives. With the May 1963 election, Kenya was for the first time led by Kenyans with Jomo Kenyatta as its president. After the election, further negotiations with Great Britain about independence took place and Jomo Kenyatta and KANU was able to change, despite KADU protests, the constitution to strengthen the role of the central government.

On December 12, 1963 Kenya became an independent state. With independence secured, KANU with Kenyatta—a Kikuyu—serving as it leader and President of Kenya and Oginga Odinga—a Luo—serving as the Vice President of Kenya, changed the constitution again in 1964 to further centralize the state.

Having only a minority of senators and national assembly representatives, and with regional assemblies losing much of their power due to the constitutional changes, KADU was largely marginalized as a political party, and in December 1964, the party dissolved itself. Almost every KADU member directly joined KANU and Kenya became a *de facto* one-party state.

2.6.2 Ethnic politics in Kenyatta's Kenya 1964-1978

In the next few sections I will show how certain ethnic groups benefitted from being in power, while others suffered as a consequence of being excluded from power. The clientilistic logic of governance led to the Kikuyuization of political and economic affairs in the 1960s and 1970s, and to the Kalenjinization of Kenya in the 1980s. At the same time other ethnic groups—in particular the Luos—were actively discriminated against for almost the entire period.

By the time Kenya became an independent republic most Kenyans saw Jomo Kenyatta as a great leader who could bring prosperity to the newly independent state. However, most Kenyans also feared Kikuyu hegemony. The Kikuyus were the dominant ethnic group while the British ruled Kenya. Though the Kikuyus also suffered under British rule, they were also the most prosperous, educated and politically active group (Branch 2011; Bates 1974). Yet, despite being better off than other groups, many Kikuyus had lost large tracts of land to the colonial settlers and with few economic opportunities, many landless Kikuyus rose up to throw the British out of Kenya. The resulting Mau Mau uprising took place between 1952 and 1956 and though it ultimately failed, it clearly sowed the seeds for an independent Kenya.[27] Kenyatta was clearly a Kikuyu nationalist at the time, and the leader of a largely Kikuyu political party (Kenya Africa Union) in the late 1940s. However, he was a moderate and worked hard to thwart Kikuyu

[27] For a complete history of the Mau Mau uprising see Anderson 2005.

militancy (Branch 2011). Yet, when the Mau Mau uprising began in 1952, the British were sure Kenyatta was spearheading the revolt and quickly charged him with leading the uprising. Together with five other prominent Kikuyus, Kenyatta was found guilty and remained in prison until 1961.

As the leader of KANU and President of Kenya, Kenyatta faced a complicated challenge. Most non-Kikuyus saw him as a Kikuyu nationalist, while at the same time lacking support from the entire Kikuyu establishment. The Mau Mau emergency had left thousands of Kikuyu fighters without access to land, or other economic opportunities, and many Kikuyus doubted his sincerity in securing future economic benefits for the Kikuyus. Thus, Kenyatta's loyalty was torn between serving all of Kenya and the Kikuyus specifically (Branch 2011).

By 1965, Kenyatta had made his choice. In addition to the ethnic question, KADU's incorporation into KANU had created an additional division within KANU. Whereas Kenyatta was a moderate who supported a pro-business and pro-Western policy, Odinga led a more radical group who wanted "to nationalize foreign-owned business, to seize settler farms without compensation, and for Kenya to follow a non-aligned foreign policy" (Throup and Hornsby 1998, 12). Kenyatta, not willing to deal with a splintered party, began to purge unwanted members. In 1965, he first silenced the radical backbenchers by detaining, without trial, their leader John Keen. He then had one of Odinga's allies, Pio da Gama Pinto, murdered (ibid). In 1966, he finalized his purge by rigging a series of intra-party KANU elections to get rid of more radicals, before he demoted Oginga Odinga from his position of Vice-President (ibid, 13). As Throup and Hornsby (1998) write, "after 17 months of increasingly bitter factional strife…Kenyatta's coalition fell apart"(13).

After his demotion, Odinga and other Luos left the Kenyatta government "to combat what they believed had become a neo-colonialist Kenyatta [Kikuyu] administration" (Harbeson 1971, 246). Soon after leaving KANU, Odinga announced the creation of a new political party, the Kenya People's Party (KPU). Odinga's goal was to create a socialist party to oppose the increasingly pro-business and pro-Western policies of KANU, and "to try to replace the persistently ethnic basis of politics with a cleavage based on ideological, class or socioeconomic basis" (Throup and Hornsby 1998, 13). Approximately one fifth of the MPs publicly supported Odinga and his new party KPU (ibid). Kenyatta and KANU reacted immediately to the new developments, and with in days the KANU majority passed an amendment to the constitution that required all MPs who changed parties to face by-elections (ibid). Following the new constitutional amendment, the 29 MPs whom defected from KANU to KPU had to compete in by-elections held later that year.

The 1966 by-elections, also know as the "little general election", confirmed for Odinga and his Luo allies that Kenyatta sought to marginalize the Luos from power. KANU campaigned heavily on ethnic unity in Central province and cheated extensively to marginalize KPU and Odinga. In the end, only nine of the 29 MPs who ran for re-election won their seats back, and they were all Luos from Nyanza province (Throup and Hornsby 1998, 14). Having marginalized KPU and Odinga in parliament, Kenyatta set his sight on further marginalization during the 1968 local government elections. Prior to the elections, Kenyatta disqualified all 1800 KPU candidates from running (ibid). The result was that Odinga's KPU lost all local representation and was left with only nine MPs.

Tom Mboya was now the only remaining Luo in the KANU machine. Whereas Odinga was always seen as the Luo's rural leader, Mboya, who had come to power through the trade

union, was seen as the workers' leader. The two had never been close. Mboya served as KANU's secretary general and had long supported Kenyatta's more conservative politics. However, with Odinga out of KANU, Mboya became the last Luo threat to Kenyatta's rule. On July 5, 1969, under suspicious circumstances, Tom Mboya was assassinated on the streets of Nairobi (Branch 2011). The assassination led Luo youths to riot both in Nairobi and Kisumu.[28] Later in the year, prior to the first full general election since independence, Kenyatta's visit to Kisumu to open a new hospital led to further riots and stone throwing against the President. In response, the President's security force opened fire on the protesters killing, at least 100. Kenyatta immediately blamed Odinga for the uproar and banned KPU prior to the general election (ibid). Kenyatta's mission was now complete. He had marginalized Odinga by forcing him out of parliament, and he had eliminated the remaining Luo in the KANU leadership with the assassination of Tom Mboya. As Odhiambo writes, the marginalization of Odinga and other Luos alienated the Luo ethnic group "from the inner sanctum of power for the following three decades" (2004, 177).

With the Luo's removed from KANU and KPU banned, Kenya was once again a de facto one-party state. Kenyatta began to further "surround himself with an inner circle of Kikuyu advisers [and] was seen as having created a Kikuyu government within the government, to the exclusion of other ethnic groups" (Muigai 2004, 201; see also Odhiambo 2004,178). In addition, the administration began to favor Kikuyus for political appointments, positions in the civil service, military, paramilitary groups, and judicial appointments (Ajulu 2002). According to Rothchild, "wariness of Kikuyu hegemony became so pronounced that a new term, 'Kikuyuisation', came into use" (1969, 699).

[28] Kisumu is the Luo capital in Nyanza province.

Having proven to the Kikuyu elites that his loyalty was first and foremost to the Kikuyu, Kenyatta also had to show the Kikuyu population, and in particular the landless Kikuyu, that he was their president as well. This was a particularly difficult question. White settlers owned most of the productive land in the Central and Rift Valley provinces and Kenyatta had accepted that the government would not nationalize the land without compensation to the settlers. In Rift Valley, where the most fertile land was located, white settlers had displaced members of the Kalenjin ethnic group during the colonial period. To make matters worse, the settlers had hired mostly Kikuyus, Luos and Luhyas to work on those farms. In other words, the Kalenjins had not only lost their land to the settlers, they had not been able to gain employment on the land either. As Kenyatta consolidated his power, he faced a situation where Kikuyu, Luo, Luhya squatters, and other landless Kikuyu wanted access to fertile land. To solve the problem, the government bought land from the settlers using funds provided by the World Bank and the British government (Odhiambo 2004, 176; Boone 2011, 1324). The Kenyan government then created two mechanisms to distribute the land to the people. First in the 1960s, they created approximately 120 settlement schemes. Politically appointed civil servants and district administrators had the exclusive right to decide who would gain access to each of the settlements. The consequence of this policy was that "they selected recipients on a case-by-case basis, allowing agents of the ruling party to allocate these valuable patronage resources to reliable clientele and constituencies" (Boone 2011, 1324). In other words, as Kenyatta had filled most of the civil service and provincial and district administration with his own supporters, Kikuyus benefited far more than any other ethnic group by these settlement schemes.

The second mechanism was the development of land-buying companies (LBCs). In this case, the Settlement Fund Trustees (SFT) transferred large parcels of land to individuals or

groups who wanted to create LBCs. Smallholders could then gain access to land by buying shares in the LBCs. This mechanism also allowed Kenyatta to use land allocation as patronage to his own people. The individuals who bought the original parcels of land from the SFT needed credit to buy the land, and only those individuals or groups who where well connected politically would gain access to financing. The smallholders also funded their purchase of shares in the LBCs through political intermediaries, thus ensuring that mostly Kenyatta supporters got access to land (Boone 2011, 1326).

By ensuring that politically appointed officials controlled access to land, Kenyatta ensured that the Kikuyus benefited the most after independence. As Boone writes, "nonbeneficiaries saw the resulting allocation of assets as a partisan outcome biased in favor of the core constituencies of the Kenyatta regime" (ibid).

When Kenyatta died on 22 August 1978, he had governed Kenya since 1963. During this time he had created a state and economy dominated by Kikuyus, and an environment in which all other ethnic groups, especially the Luo, Luhya, and Kalenjin, had been marginalized and viewed Kikuyus with suspicion. However, Kenyatta had been weak during his last few years and even though he knew a succession fight was ongoing, he did not involve himself in the fight (Branch 2011). The two main candidates were Njoroge Mungai, who served as Kenya's Foreign Minister in the 1970, and Daniel arap Moi, who had served as Kenyatta's Vice President since 1969. Mungai, a Kikuyu, was the preferred candidate of the Kikuyu elite with close ties to the Kenyatta family, while Moi, a Kalenjin, was favored by the British, the Kikuyu business elites that had conflicting interest with Kenyatta, as well as the non-Kikuyu population (ibid). The succession fight was ultimately resolved peacefully "in-house" and Daniel arap Moi took over the presidency when Kenyatta passed.

2.6.3 Kalenjinization of Moi's Kenya 1978-1990

With Moi as President, the Kalenjins in the Rift Valley, and members of other smaller marginalized ethnic groups, had high hopes that the government would reverse Kikuyu dominance in the economic and political sphere. However, in his first year as President, Moi kept most of Kenyatta's inner circle around and did not significantly reduce Kikuyu dominance. However, with the upcoming elections in 1979 things would change.[29]

Oginga Odinga and his Luo ethnic group had been completely excluded from political power since 1969. With a new president and new general elections in 1979, Odinga and his close confidant Achieng' Oneko (also a Luo) saw a potential opening to contest the election on the KANU ticket. However, President Moi saw no benefit in having Odinga serve as an MP and KANU refused to allow both Odinga and Oneko to run for office (Throup and Hornsby 1998, 28). In addition to refusing to clear Odinga to contest the election, President Moi secured support in the Rift Valley by rigging the election to secure victories for his supporters, while also removing Kalenjin rivals (ibid, 29; Branch 2011, 139). After the election, Moi brought many of his own supporters into key positions in the cabinet at the expense of the Kikuyu MPs that Kenyatta had appointed prior to his passing (Branch 2011, 134). Yet, he kept Mwai Kibaki, a Kikuyu, as the Vice President and Minister of Finance. Over the next few years, President Moi consolidated his power further by recruiting new allies from smaller marginalized ethnic groups while reducing the power of the remaining Kikuyus. In 1982, President Moi finally demoted Kibaki from the Minister of Finance to the Minister of Home Affairs (ibid, 30).

Oginga Odinga and his supporters where still excluded from power and following their failed attempt to contest the 1979 election on the KANU ticket they attempted to register a new political party, which was quickly denied by the government (ibid, 31). The attempt by Odinga to

[29] As with all other elections since 1966, only one party, KANU, contested the election.

register a new party led President Moi to call for a constitutional amendment outlawing all political parties except KANU. The amendment was quickly approved by the parliament.

On 1 August 1982, members of Kenya's Air Force attempted to take over power through a coup d'état. Luo junior officers largely planned the failed coup attempt and as a consequence Oginga Odinga was placed under house arrest, while his son, Raila Odinga, was detained and remained in prison for several years (Branch 2011, 158). According to Throup and Hornsby (1998), "it is wildly believed that there were two, if not, three coups in preparation, by different military and political groups… The most serious… involved senior Kikuyu politicians and officers in the army and police" (ibid). The failed coup attempt and the additional ones planned led President Moi to purge both Kikuyus and Luos from the armed forces and police. Over the next few years President Moi ensured the complete control over the armed forces by placing his own Kalenjin supporters in key roles (ibid).

By 1983, President Moi had taken complete control of the Kenyan state. He had purged the Parliament, the Cabinet, the provincial administration, and the civil service of his enemies and replaced them with his own henchmen. The coup of 1982 provided him with the opening to do the same with the armed forces and police. During the next decade President Moi maintained his rule by relying on his Kalenjin ethnic group. As Branch (2011) writes, "Kalenjin leaders in the Rift Valley provided him with a sturdy foundation for his government, just as elite Kikuyu had for Kenyatta" (174). And just as Kenyatta had Kikuyuized Kenya, President Moi Kalenjinized it.

To maintain the support of the Kalenjin's in the Rift Valley, President Moi used state funds as patronage to its fullest extent. The Rift Valley was the largest benefactor in terms of state funds. According to Barkan and Chege (1989), the Rift Valley received, by far, more funds

for road construction and health expenditures than any other province (Barkan and Chege 1989, 449; see table 2.4 below).[30]

Table 2.4 Provincial shares of expenditures of roads and rural health.

Province	**Population**	**Road Construction**					**Health**
		1979-1980	1980-1981	1984-1985	1986-1987	1987-1988	1987-1988
Central	15	14	20	10	13	14	14
Coast	9	14	8	0	8	6	12
Eastern	18	30	25	14	3	2	19
North-East	2	1	0	8	1	10	7
Nyanza	17	9	9	0	8	9	13
Rift Valley	21	31	37	48	52	44	26
Western	12	1	1	20	15	12	10

Source: Barkan and Chege 1989, 449. (Numbers in percent)

Table 2.4 shows the provincial share of expenditures for roads and rural health in the years where such numbers where published by the Kenyan government. What is immediately apparent is the preferential treatment Rift Valley received and the relatively small share Nyanza province received. In the 1984-1987 period, the Rift Valley province, with 21 percent of the population, received 50 percent of all money spent on roads. At the same time, the Luo homeland of Nyanza received only 8 percent of the roads budget even though 17 percent of the Kenyan population lived there. Though these numbers do no provide proof that President Moi excluded or discriminated against the Luos, or other groups, it provides an illustration of how political power was used by President Moi and his government to funnel patronage to their own region and people.

After 10 years in power, President Moi had reversed Kenyatta's Kikuyuization of the Kenyan state. He had provided Kalenjin elites with top positions and spread patronage around to

[30] It is highly likely that the Rift Valley benefitted similarly for almost all government expenditures, but no other ministries published their budgetary data according to geographical distribution in the 1980s (Barkan and Chege 1998, 449). Unfortunately, no similar data was published under Kenyatta's rule.

his supporters, especially the Kalenjin in Rift Valley. The Kikuyus had seen a reversal of their fortunes, while the Luos had been further marginalized. If anyone were to break the Moi's stronghold on power, the Luos and Kikuyus would have to come together as they did in the early 1960s.

2.6.4 Democratization and the fight for multiparty elections in Kenya 1990-1992

As the 1980s drew to a close, President Moi and his associates were in complete control of the party and the government, and had established an increasingly repressive state. No other political parties existed, and dissent was often punished with infinite detention without trial (Throup and Hornsby 1998, 54). However, several events, in 1990 and 1991, both domestic and international, would shake the government and ultimately force President Moi to accept multiparty elections in 1992. Internationally, the fall of communism in Eastern Europe and the subsequent ending of the Cold War reduced the regime's ability to rely on unconditional foreign aid and support to maintain its repressive rule. Then in February 1990, foreign minister Robert Okuo, the last remaining Luo serving in the government, was assassinated. Finally, in 1991 the Paris Group of bilateral donors refused to disperse additional aid to Kenya unless they committed to hold multi-party elections (ibid). Combined, these events provided the weak and suppressed opposition with an opportunity to emerge.

During the last half of 1990, Kenneth Matiba and Charles Rubia, both prominent Kikuyu politicians and businessmen, began to openly criticize the Moi regime (ibid, 60). However, they understood that to successfully challenge the regime and force multiparty elections they needed the support of the other large ethnic groups, especially the Luhyas and the Luos. They approached Oginga Odinga, as well as several prominent Luhya politicians, and over the next

year they met regularly to discuss the way forward. The government, at the time paranoid about any dissent, detained Matiba, Rubia, and Raila Odinga—Oginga Odinga's son—to try to stop any opposition movement to emerge, but on July 4 1991, one year after their detention, the group announced the formation of FORD—The Forum for the Restoration of Democracy (ibid, 77-78). FORD was in essence a return to the Kikuyu-Luo alliance that had dominated Kenyan politics in the years prior to, and after, independence. President Moi's regime was well aware of the threat such an alliance could pose and quickly declared it an illegal organization. In September 1991, Moi announced, "that its supporters would be crushed like rats" (ibid, 78).

The final push towards multiparty elections came in November 1991, when Western donors met in Paris to discuss future allocation of aid to Kenya. The Paris group of bilateral donors included Canada, Denmark, Sweden, France, Germany, Italy, Japan, the Netherlands, Switzerland, the United Kingdom, and the United States. In addition, several development banks and international organizations such as the IMF, the African Development Bank, and the EU participated. The group quickly decided to suspend all aid to Kenya for six months, and would only resume when the Kenyan government seriously reformed its political and economic regime (ibid, 85). Though it was never explicitly stated, it was clear that the main part of any reform required Kenya to hold multiparty elections. The announcement caught the regime by surprise and left Moi with few options. With domestic and international pressure increasing, President Moi announced his intentions to repeal section 2 of the Constitution and once again allow the registration of new political parties. 8 days after his announcement, on December 10, 1991 the Parliament approved the constitutional change, and Kenya was no longer a *de facto* one-party state (ibid, 87). The constitution does not specify an election date; rather, it specifies an electoral process that gave President Moi the opportunity to call for an election anytime between January

and December 1992. In the end, the election date, December 29 1992, was announced on November 16 1992.

2.7 Multiparty elections and electoral violence 1992-1997

Having set the stage for the 1992 presidential and parliamentary election, it is necessary to briefly return to the theoretical argument of the chapter, and its observable implications. Recall that the argument of this chapter is that ethno-political discrimination increases the stakes of the election, as marginalized groups see the election as an opportunity to achieve a more equitable distribution of political power and economic resources, while privileged groups see elections as a threat to their political and economic hegemony and fear the potential loss of their privilege. If this argument correct, we should observe electoral violence in states where ethno-political discrimination has taken place. More specifically, either marginalized groups or privileged groups should be the main perpetrators of violence. We should also observe that the incumbent, and/or his or her supporters, are the ones who initiate pre-election violence, while the loser of the election should initiate post-election violence. In addition, the candidate who mobilizes supporters to use violence should refer to past injustices, or to the risks a privileged group faces if the other group wins, to mobilize supporters. Finally, I expect violence to occur in places where privileged and marginalized groups live together or close by each other. If violence occurs in ethnically homogenous areas it is unlikely that the violence is due to group inequalities.

2.7.1 Ethno-political discrimination

The historical narrative above has shown that ethnicity has been a critical feature of Kenyan political development since independence. Prior to the 1992 election, the Kikuyu had benefitted greatly in the 1960s and 1970s. The Kikuyus dominated the government, civil service, and

military, as well as the parastatal companies and private business. The Kikuyus had also benefitted enormously from the land settlement schemes set up during the period. Kikuyu fortunes changed dramatically when Kenyatta died in 1978. In the decade following Kenyatta's death, the majority of the Kikuyu elite lost their privileged position. President Moi retained a few Kikuyu in his government, for example Mwai Kibaki as Vice President, but his inner circle was primarily made up of Kalenjin. As described above, the Moi government also filled the civil service, military, and police forces with their own, at the expense of many Kikuyu. Over the years, Kikuyus also lost their privileged positions in the economy. By 1990, Kikuyu owned businesses were seriously hurting. President Moi's government had cancelled government and parastatal contracts, foreclosed loans, and denied business access to foreign exchange (Throup and Hornsby 1998, 61). The evidence leaves no doubt; the Kikuyu elites, and as a consequence the Kikuyu people, were dramatically worse off in 1990 than in the 1970s, a direct consequence of President Moi's policies.

At independence, members of the Luo ethnic group had high hopes for the future. The Luo figurehead, Oginga Odinga, was serving as Vice President and another Luo, Tom Mboya, served as the Secretary General of KANU. However, the Luo's fortune's changed quickly and they would end up completely excluded from power for several decades to follow. Not only were the Luos excluded from power, but also a series of public events continuously reminded the Luos that their exclusion was by design.

The first signs that the Luo post-independence ascendency would be short lived was Odinga's demotion from Vice President in 1966, and the rigging of the 1966 "little general election" which isolated Odinga's new party completely. With Odinga marginalized, the next event was the assassination of Tom Mboya in 1969. At this point, the Kenyatta had shown his

cards; the Kikuyu did not need a Kikuyu-Luo alliance to rule. In addition to these high profile events, several other things occurred during Kenyatta's rule that would remind the Luo of their marginalized status. Kenyatta ultimately banned Odinga's new party KPU prior to the general election in 1969. The land settlement schemes left many Luos without access to land, and Kenyatta's preferential treatment of the Kikuyu meant that the Luo, and other ethnic groups, were denied access to patronage and opportunities that the Kikuyus were not.

The death of Kenyatta and ascendency of President Moi did not change the Luo's situation. Odinga was not allowed to run for Parliament on the KANU ticket in 1979; Moi's government denied Odinga's attempt to register a new political party in the early 1980s; Oginga and Raila Odinga were held responsible for the 1982 coup attempt; Nyanza province was consistently underfunded in terms of roads and health care in the 1980s; and finally, the last remaining Luo in Moi's government, Foreign Minister Robert Okuo, was assassinated in 1990. The evidence is clear: except for the first two years after independence, the Luos were actively discriminated against by both the Kenyatta and Moi regimes.

As the 1992 elections drew to a close, it is clear that ethno-political exclusion was a prominent feature of Moi's tenure. The Kikuyu were much worse off than during Kenyatta's tenure, and the Luo had been consistently marginalized since 1966. President Moi was well aware that he could not rule Kenya as an exclusive Kalenjin club. Except for Kikuyu and Luo, Moi had done a reasonably good job in placating the other larger ethnic groups. Moi had included elites from the Luhya, the second largest ethnic groups, as well as elites from many of the smaller ethnic groups in his cabinet, and thus ensured that a relatively steady stream of patronage where distributed to their home provinces. As the Cold War ended and the winds of liberal democracy swept the world in the 1990s, it came as no surprise that the fight for

multiparty elections in Kenya was led by Kikuyu and Luo elites. After many years out of power, these groups now felt it was their turn to rule in order to end their suffering.

2.7.2 Opportunity and fear

The second observable implication is that candidates who mobilize supporters to use violence should refer to past injustices, or to the risks a privileged group faces if they lose the election. As I will detail below, the 1992 election in Kenya was marred by pre-election violence. Moi supporters, many of whom were directly organized and often paid by government officials, almost exclusively perpetrated this violence. To incite Moi's supporters to target opposition supporters, government officials argued that the opposition's call for multiparty elections was nothing but an attempt to gain access to power so that the Kikuyus could re-establish their hegemony in Kenya. At the same time, officials also argued that by removing the Kikuyu and Luo from the Rift Valley, the Kalenjin and other ethnic groups, indigenous to the Rift Valley, could prosper in the future (Throup and Hornsby 1998, Branch 2011, Barkan 1993, Klopp 2002).

In the autumn of 1991, prior to the Paris group of bilateral donors announcement that they would hold back aid, government officials held a series of *majimbo* rallies in Rift Valley. *Majimbo* is the Swahili word for "province", and *majimboism* refers to the constitutional arrangement were political power was devolved to the provinces, and which KADU—Moi's original party—actively championed at independence (Klopp 2002). Because of the relatively clear alignment of ethnic groups and provinces, *majimboism* meant that each of the large ethnic groups would be able to control their own ethnic homeland.[31]

These rallies, which took place in the Rift Valley, implicitly and explicitly encouraged the Kalenjin to use force to remove the non-indigenous population, in particular the Luo and

[31] See above for a discussion of *Majimboism*

Kikuyu from the province. At one such rally in September 1991, MP Willy Kamuren, a Kalenjin, cautioned the non-Kalenjin people to leave their homes and farms in the Rift Valley for "with *Majimboism*, they would all be required to go back to their motherland" (Weekly Review September 13, 1992, cited in Klopp 2002, 484). At the same rally, other MPs uttered the same feelings. For example, MP Kimunai Soi stated that "all outsiders who have acquired land will have to move and leave our land to our children" (ibid). MP Paul Chepkok, "directly advocated violence, saying that the residents of the Kalenjin districts were ready to take up arms against the multiparty proponents" (Klopp 2002, 484). At a rally later in September, Chepkok explicitly encouraged the Kalenjin to "take up arms and destroy the dissidents at sight" (ibid, 485). Nicholas Biwott, one of President Moi's closest allies, echoed Chepkok and professed "the Kalenjins are not cowered and are not afraid to fight any attempts to relegate them from leadership" (ibid). At a *majimbo* rally in October 1991, Nicolas Biwott

> encouraged the Kalenjin to take control of the Rift Valley and to silence criticisms from 'migrants' (Kikuyu, Luhya and Luo residents) who had moved into the former White Highlands with the post-independence small-holder settlement schemes. Beset by calls for multi-party democracy…, Biwott and his colleagues deliberately began to incite Kalenjin *fears about their future in a Kenya without Moi as President* (Throup and Hornsby 1998, 80, emphasis mine).

As the calls for multi-party democracy increased, both internationally and domestically, Moi's regime clearly feared the consequences of losing power and they used the threat of future marginalization as a mechanism to mobilize their supporters to use violence.

2.7.3 Perpetrators and the location of the pre-election violence

The evidence has shown that ethno-political exclusion was an important feature of both the Kenyatta and Moi regimes. There is also strong evidence supporting the second observable

implication, that political elites use fear and threats of future discrimination to mobilize their supporters. Yet, to convincingly show that my argument is correct, it is necessary to also explore who committed the violence and where the violence took place. Remember the last two observable implications: (1) The incumbent should initiate pre-election violence and/or the loser of the election should initiate post-election violence; (2) Violence should occur in places where privileged and marginalized groups live in close proximity. The evidence in the Kenya case supports both of these observable implications.

As I will show below, the electoral violence that took place in Kenya during the 1992 election cycle was clearly initiated by the incumbent and his supporters, and it occurred prior to the election in an attempt to intimidate potential opposition voters from voting for the opposition or voting at all. The violence also took place in areas where Kalenjins and other ethnic groups that were indigenous to the Rift Valley lived in close proximity to Luos, Kikuyus and Luhyas, whereas violence did not take place more ethnically homogenous areas, such as Nyanza, Eastern, and Central provinces.

The first instance of violence took place on October 29, 1991, six weeks after the first *majimbo* rally. The violence took place at Meteitei farm in Tinderet, Nandi district on the border of Rift Valley, Nyanza, and Western Province (Human Rights Watch 1993; Akiwumi 1999; Branch 2011; Throup and Hornsby 1998 and Boone 2011). Meteitei farm was typical of many similar farms in the western part of Rift Valley. It was a former settler-owned property that had been divided among small holders during the settlement schemes in the 1960 and 1970 (Branch 2011, 198). Its location in western Rift Valley and its proximity to Nyanza and Western provinces ensured that members of the Luhya, Luo, Kalenjin, and other ethnic groups settled the farm (ibid). On the day of the attack, a large number of Kalenjin youths suddenly attacked the

non-Kalenjins, looted and set their houses on fire, in many instances killing or severely injuring them with traditional weapons (Akiwumi 1999; Branch 2011 and Human Rights Watch 1993).

From October 1991 to December 1992, the violence quickly spread to other similar settlements in Nandi district, and then to other multi-ethnic areas of the Rift Valley province. In general, the violence occurred in areas where white settlers had lived during colonial times and where the government had set up settlement schemes as discussed above (Boone 2011,1313). Figure 2.6 below (from Boone 2011), shows where the violence took place. What is apparent is that the violence generally took place in the Western borderlands of the Rift Valley, while much of the Easter borderland remained peaceful. The main reason for this is that the Eastern Borderlands were quite homogenous with the Kikuyus dominating the area and thus largely under opposition control (Boone 2011, 1329).

Figure 2.6: Violence affected areas 1991

Source: Boone 2011, 1320

The attacks were well planned and coordinated. According to the Akiwumi report:

> In each clash area, non-Kalenjins were suddenly attacked, their houses set on fire, their properties looted and in certain instances, some of them were either killed or severely injured with traditional weapons like bows and arrows, spears, pangas, swords and clubs. The raiders were will organized and coordinated. The attacks were generally under the cover of darkness, and where the attacks were in broad daylight, the raiders would smear their faces with clay to conceal their identities.

> The attackers targeted mainly the Kikuyu, but also the Kisii, the Luhya, and the Luo (Akiwumi 1999, 59-60).[32]

By the time the election was held on December 29, 1992, the ethno-nationalist hardliners in Moi's government had succeeded with their strategy. The pre-election violence had killed approximately 1,000 people and displaced over 200,000 people, mostly Kikuyu, Luo, and Luhya, from the Rift Valley, and numerous other eligible voters had lost property titles and identification papers which was necessary to register to vote (Boone 2011; Human Rights Watch 1993). According to the Commonwealth Election Observation team, the ethnic violence in the Rift Valley was so serious that it was a major impediment to a free and fair election (Commonwealth Secretariat 1993, 23).

2.8 The 1992 elections

The election campaign of 1992 began quickly after Moi lifted the ban on additional political parties in December 1991. In the beginning the campaign looked as if it was going to be a race between FORD and KANU, which is what Moi and KANU feared the most. Moi was well aware that he would struggle to win an election if his main competition was an alliance of Kikuyus and Luos, but this would change quickly change. To bring Oginga Odinga onboard to FORD, Matiba and Rubia had promised Odinga that he would be the party's presidential candidate in the 1992 elections. However, as soon after the party was allowed to register, Matiba reconsidered his promise to Odinga and announced that he would seek the presidency himself, while also trying to oust Odinga as the FORD chairman (Throup and Hornsby 1998, 130). Odinga, having been spurned by the Kikuyu several times in the past, refused to accept Matiba's candidature, and

[32] The Akiwumi report is the official report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya. The government of Kenya appointed three judges to investigate the ethnic violence that took place in Kenya in the run-up to the 1992 and 1997 election. The report describes in detail where violence took place and names many of the key perpetrators as well as politicians responsible for the violence.

FORD was quickly broken up into two parties: FORD-Kenya and FORD-Asili. In the December 1992 elections Odinga was FORD-Kenya's presidential candidate, while Matiba was FORD-Asili's presidential candidate (Throup and Hornsby 1998). The great Luo-Kikuyu alliance was no longer a threat to Moi's prospects.

To make matters worse for the opposition, Mwai Kibaki, the most prominent Kikuyu in Moi's government, left KANU in the summer of 1992 and started his own party, the Democratic Party. The opposition was now divided in three. FORD-Asili and the Democratic Party were mainly Kikuyu parties, while FORD-Kenya was mainly a Luo party (Barkan 1993). The three way split would in the end make it relatively easy for Moi to win the first multiparty election since 1969.

In addition to the fragmented opposition, the electoral rules also helped Moi secure victory. To win the presidency, a candidate needed a simple majority, as well as a minimum of 25 percent of the votes in at least five provinces. After FORD split in two, none of the opposition parties seemed capable of fulfilling the 25 percent rule. Odinga's FORD-Kenya was ultimately a Luo party and could hope to get some votes in Western, Coast, and Nairobi province, in addition to a large majority in Nyanza province. The two Kikuyu parties would likely split the vote in Central province, while each getting some support in Nairobi, Rift Valley, and Eastern province. KANU's violent campaign in Rift Valley would clearly secure Moi a large majority in that province, while he was expected to do reasonably well in Western, North East, Coast, and Eastern province. As the election results show, the ethnic vote was significant, and even though Moi only got 36 percent of the total vote he was the only candidate to reach the 25 percent threshold in five provinces (see table 2.5 for the results)

Table 2.5 1992 Presidential election results by Province and Candidate

Province	Moi	Matiba	Kibaki	Odinga
Nairobi	16.6%	44.1%	18.6%	20.2%
Central	2.1%	60.1%	36.1%	1%
Eastern	36.8%	10.2%	50.5%	1.7%
North-East	78.1%	10.1%	4.5%	7.1%
Coast	64.1%	11.4%	7.6%	16.1%
Western	40.9%	36.3%	3.6%	17.9%
Rift Valley	67.8%	18.7%	7.6%	5.7%
Nyanza	14.4%	3.3%	6.4%	74.7%
Total vote share	36.35%	26%	19.45%	17.48%

Source: Throup and Hornsby 1998, 435, and African Elections Database (http://africanelections.tripod.com/)

2.9 The 1997 Kenyan elections

The aftermath of the elections led to a further strengthening of KANU and continued marginalization of the opposition (Throup and Hornsby 1998, chp 12). Rather than trying to mend ethnic relations after the violent election by bringing Luo and Kikuyu elites into the cabinet, Moi nominated candidates from ethnic groups that had proved loyal to him and KANU in the elections. KANU also managed to convince several opposition MPs to break ranks and defect to KANU (ibid, 533-535). To strengthen his hand for future elections and to reward loyalty, Moi appointed mostly elites from swing communities, and also reduced the number of ministers since there was no longer any need to placate the Luo and Kikuyu communities (ibid). The effect was a more inclusive government, yet the Luo and the Kikuyu remained excluded from the government.

The opposition did not handle the election loss well. "Their persistent failure to build unity, and their continued adherence to a set of leaders most of whom had failed to transcend their limitations or achieve their goals gave the initiative throughout 1993-1994 to KANU" (ibid, 545). Oginga Odinga's death in January 1994 created a power struggle in FORD-Kenya. By rules of succession, the second Vice-Chairman of the party, Kijana Wamalwa, a Luhya, took over the chairmanship of FORD-Kenya until an election could be held. In March he was elected

unopposed as the chairman of the party and James Orengo, a Luo was elected as the Vice-Chairman. This left Raila Odinga, Oginga Odinga's son without leadership position in the party (ibid, 567). The Luhya-Luo alliance remained in place for two years, but with no prospects to be the party's presidential candidate, Raila Odinga left FORD-Kenya in 1996 and took control over the National Development Party. Again an important alliance with the potential to challenge Moi, had broken down.

2.9.1 Pre-election violence in 1997

The ethnic dynamics that ruled Kenya prior to the 1992 election remained in place after Moi's 1992 victory. Kikuyus and Luos remained excluded from power, and Moi's henchmen once again used *majimbo* rallies to mobilize its voters. The main difference from 1992 was that there was no need to intimidate and remove voters from the same areas in 1997, and thus the violence took place in different locations. The most significant violence took place in the Coast Province, but some pre-election violence also took place in new parts of Rift Valley, as well as, Nyanza province.

The violence surrounding the 1997 elections was remarkably similar to the 1992 election. KANU supporters and youth gangs, in the name of *majimboism*, attacked members of "non-indigenous" ethnic groups in order to intimidate them from voting for the opposition or voting at all. The violence in the Rift Valley took place in heterogeneous communities, as it did in 1992, but this time the same patterns also occurred in the Coast province.

The Coast province was similar to the Rift Valley in many respects. The indigenous ethnic groups, know collectively as the Mijikenda, had suffered from poverty, unemployment, and they were largely landless (HRW 2002, 25). Since independence, members of non-

indigenous ethnic groups had gained access to land and were largely running the increasingly profitable tourist industry on the coast of Kenya. To strengthen their electoral hold in the province, KANU elites mobilized voters in the region by holding *majimbo* rallies. The strategy was the same as in Rift Valley, and as Human Rights Watch writes:

> By emphasizing that the purging of non-local people would permit the indigenous Digos and other Mijikendas to attain all that was left behind, pro-majimbo KANU politicians helped make the up-country people residing among them, rather than their own leaders and the government, the focus of local anger (HRW 2002, 25).

The Mijikenda people responded to the rallies just as the Kalenjin did in the Rift Valley. On August 13, 1997, a large number of Mijikenda youth attacked a police station in Likoni, killed three police officers and stole a large number of weapons. Later in the evening, the group went house to house and attacked non-local people. Many houses were burned, and individuals were either killed or chased away from the area (ibid). The attacks were well organized and continued in other areas of the Coast province for the next month (HRW 2002).

According to Human Rights Watch (2002) and the Akiwumi report (1999) these attacks were well planned and supported by KANU officials. Human Rights Watch reports that KANU officials and their allies recruited, trained, and organized the attacks. In other words, the situation on the Coast was almost identical to the Rift Valley in 1992.

The attacks on the Coast had the desired outcome. The violence took place in districts that voted for the opposition in 1992, and in the 1997 election KANU won several Parliamentary seats that they had lost in 1992. In addition, Moi increased his vote share in the areas were the violence took place.

Violence also took place in the Rift Valley province, in particular in the West Pokot and Marakwet districts (Kenyan Human Rights Commission 1998). In both districts, members of

indigenous ethnic groups attacked, killed, and burned the houses of "outsiders" who were assumed to support the opposition. According to the Kenyan Human Rights Commission, the attacks in Marakwet were "aimed at destabilizing the Marakwet community, especially in the valley where the opposition was gaining ground, and was meant to scare off would-be voters to deter them from casting their votes at the designated polling stations where they were registered" (ibid, 41). In West Pokot, the violence started during the party nominations. The logic was the same as in 1992. Non-indigenous peoples were targeted in order to leave the area, or at the very least prevent them from voting for the opposition (ibid, 43).

2.9.2 The 1997 Election Campaign and Results

The 1997 election campaign was remarkably similar to the 1992 campaign. In essence, each large ethnic group had their own party and presidential candidate. With Oginga Odinga's death in 1994, FORD-Kenya, led by Kijana Wamalwa, became a Luhya party, and in particular the Luhya sub-group Bukusu; Raila Odinga, Oginga's son, represented the Luos with his National Development Party (NDP); the Kikuyu, whose votes split between Kibaki and Matiba in 1992, was represented by Mwai Kibaki and his Democratic Party; the Kamba who largely supported KANU in 1992, was represented by Charity Ngilu and the Social Democratic Party of Kenya, and the Kalenjin and other smaller groups was represented by President Moi and KANU (Cowen and Karuti 2002, 143-152; Okum 2001, 111; see also Throup and Hornsby 1998 chp. 12). Thus, as with the 1992 election, the opposition was highly fragmented and ethnic chauvinism ruled the campaign once again. Each of the candidates and parties "acquired fanatical supporters from their respective ethnic groups in the competition to control national resources" (Okum 2001, 111). In the words of one commentator, the prevalent belief of the ethnic elites was that "the

prime duty of the Head of State was to feather his own nest and, in the process, feather that of his or her tribe. Thus, elections are meant to decide which tribe will eat next" (Muthahi, in the Sunday Nation, November 20, 1997, quoted in Okum 2001, 111).

By dividing along ethnic lines, the opposition significantly reduced their chances of victory. However, it also reduced President Moi's chances of winning 25% in five provinces. In 1992, KANU new they could not reach the 25% threshold in Nyanza (Luo), Central (Kikuyu), and Nairobi (mixed, but with few Kalenjins), thus they had to win the remaining five provinces. In 1997, FORD-Kenya had a Luhya leader from Western Province, and the Kamba, mostly living in the Eastern Province, also had their own party and candidate. The fact that Western and Eastern provinces now were at play reduced Moi's chances significantly. If he could not get 25% in five provinces he would have to face the candidate with the second most votes in a run off, and as we saw from the 1992 results Moi only received 36 percent of the national vote and was by no means a popular president.

In the end, Moi did not need to worry. Neither Wamalwa or Ngilu managed significantly reduce Moi's vote share in Western and Eastern provinces, and the other candidates only won a majority of the votes in their own home provinces (see table 2.6).

Table 2.6 Presidential election results 1992 and 1997 by candidate and province

Province	Moi		Kibaki		Odinga*		Wamalwa		Ngilu	
	1992	**1997**	**1992**	**1997**	**1992**	**1997**	**1992**	**1997**	**1992**	**1997**
Nairobi	16.6%	21%	18.6%	44%	20.2%	17%	-	6%	-	11%
Central	2.1%	6%	36.1%	90%	1%	0.7%	-	0.3%	-	3%
Eastern	36.8%	35%	50.5%	27%	1.7%	0.8%	-	0.8%	-	37%
North-East	78.1%	73%	4.5%	19%	7.1%	0.3%	-	7%	-	0.6%
Coast	64.1%	63%	7.6%	14%	16.1%	8%	-	3%	-	11%
Western	40.9%	45%	3.6%	1.3%	17.9%	2%	-	50%	-	0.5%
Rift Valley	67.8%	72%	7.6%	20%	5.7%	1.6%	-	6%	-	0.7%
Nyanza	14.4%	24%	6.4%	16%	74.7%	55%	-	2%	-	1.7%
Total vote share	36.35%	40%	19.45%	31.09%	17.48%	10.92%	-	8.3%	-	7.71%

* Oginga Odinga (FORD-Kenya) for 1992; Raila Odinga (NDP) for 1997
Sources: Throup and Hornsby 1998, 435; Cowen and Kanyinga 2001, 143; African Elections Database (http://africanelections.tripod.com/)

The results, shown in table 2.6, show that, with Matiba not running, Kibaki was the lone serious Kikuyu candidate and he received 90% of the vote in Central Province.[33] Raila Odinga did not fair as well as his father in Nyanza, but still got 55% of the vote. Wamalwa did get 50% of the vote in Western province, but President Moi received 45% percent. In other words, Moi held onto the Western province despite the fact that the Luhyas had their "own" presidential candidate. A closer look at the numbers in Western province indicates that Wamalwa reduced the vote share of the other candidates in Western province, not Moi's vote share. The same dynamic occurred in Eastern province. Moi maintained approximately the same vote share, while Ngilu, who got 37%, took most of those votes from Kibaki and Matiba if we compare the 1992 and 1997 results. President Moi won about the same amount votes in most provinces, but improved his vote share in Nairobi and Nyanza province. In the end, President Moi was the only candidate to receive 25% of the votes in at least five provinces and received the most votes overall with 40 percent. Moi won his second consecutive election, but the overall vote indicates that Moi was a rather unpopular president, with 60 percent of the voters voting for different candidates.

[33] Matiba's refused to participate in the election unless the government made changes to the constitution to leveling the playing field. When the government refused he boycotted the elections (Cowen and Kanyinga 2001).

2.10 Conclusion

Ethno-political exclusion increases the risk of electoral violence. The statistical tests in this chapter shows that the risk of electoral violence increases exponentially as the size of the politically excluded population increases. The statistical analysis shows that a state with 50 percent of the population excluded is twice as likely to experience electoral violence than a state with 10 percent of its population excluded. The robustness of the statistical relationship between ethno-political exclusion and electoral violence is further strengthened by the case study of Kenya's first two elections. The evidence from Kenya shows that ethno-political marginalization leads to politicization of ethnicity and ethnically-based political parties, and that the leaders of these parties use the threat of losing existing privileges and opportunity for future gains to mobilize its constituents to use violence against either privileged or discriminated groups.

As I stated at the beginning of the case studies, Kenya is an excellent case to test my theory, in particular because there is a great deal of variation in electoral violence, both geographically and over time. Above I have shown, consistent with my argument that violence only occurred in areas where privileged and marginalized groups lived in close proximity. However, I have not yet discussed the temporal variation in violence. Kenya's 2002 election was seen as a breakthrough in Kenya as it was the first peaceful multiparty election they held. Considering that the Luos and the Kikuyus remained excluded from power one would expect the 2002 election to be violent as well. However, as I discuss in chapter one, the competitive nature of an election also plays an important role as to whether electoral violence takes place. In the next chapter I address this part of the argument, and show that electoral violence is much more likely when states with legacies of ethno-political exclusion hold competitive elections.

Chapter 3: Ethno-political Exclusion, Competitive elections, and Electoral Violence

3.1 Introduction

On December 27, 2002, Mwai Kibaki was elected Kenya's third president. The 2002 election was Kenya's third election since 1992 and its first peaceful one. As one observer remarked, Kenya's peaceful transfer of power was "the most significant political event in the history of Kenya since British colonial rule ended in December 1963" (Ndegwa 2003, 145). Considering the violent elections of 1992 and 1997, the 2002 election was quite remarkable, and as I will show below, provides strong evidence for my second hypothesis, that ethno-political exclusion is particularly dangerous, i.e. increases the risk of electoral violence, when elections are competitive, or are perceived as such. The chapter proceeds as follows: First, I briefly discuss the theoretical argument for why competitive elections are more likely to trigger violence when a history of ethnic exclusion has permeated a society. I also discuss several observable implication related to the argument. Second, I compare Kenya's 1992 and 1997 election to the 2002 election. Here I show that the competitive nature of the first two elections created incentives for the incumbent regime to use violence and electoral fraud to win, while the lack of competition in 2002 removed those incentives. In the third section, I conduct a cross-national statistical analysis of all elections in sub-Saharan Africa between 1990 and 2010 which confirms that the results from the case study is generalizable to all of sub-Saharan Africa. I conclude in section four.

3.2 The argument

As I discuss in the previous two chapters, ethno-political exclusion facilitates mobilization by politicizing ethnicity, which in turn increases the risk of electoral violence. Political elites refer to past grievances, future aspirations, and threats of future marginalization to mobilize supporters to use violence against the opposition to win elections. If electoral violence is used as a strategy to subvert the democratic process, or as response to a competing's candidate's attempt at subverting the democratic process, then one also needs to identify the conditions under which political actors are more likely to violate the democratic rules of the game. Elites instigate violence because they believe it strengthens their chance at winning elections. However, a candidate's decision to use violence or rig an election depends on the likelihood that the candidate will win the election without doing either. A candidate with a very low chance of winning an election is less likely to subvert the election process, as it would be nearly impossible to win the election, even if one does subvert the process. The same is true for candidates with a very high chance of winning the election. They have few incentives to attempt to rig the election, use violence, or both, when victory is likely without fraud, especially since cheating is likely to reduce the credibility of their victory and rule (see Svolik and Chernykh 2012). In other words, the democratic credible commitment problem is more severe when the incumbent and challengers both believe they can win the election. This in turn increases the likelihood that candidates will attempt to subvert the democratic process through fraud or violence, thus increasing the probability for electoral violence. This leads to the second hypothesis:

> **Hypothesis 2: New democracies with legacies of group inequalities are more likely to experience electoral violence if the election is perceived to competitive.**

The argument suggests that there are two causal pathways through which ethno-political exclusion AND competitive elections can lead to violence. Recall that electoral violence is used as a strategy to subvert the democratic process directly, or a response to a competing's candidate's attempt at subverting the democratic process. However, candidates can also use electoral fraud to win the elections. In other words, the candidates can use violence prior to the election to increase their chances of winning the election, or they can rig the election for the same purpose. In either situation, the losers might use violence as a response to the other candidate's attempt at subverting the democratic process.

The first causal pathway is direct. That is, ethno-political exclusion and competitive elections lead directly to pre-election violence. Political candidates can chose to use violence, rather than fraud, prior to the election in order to secure victory. The second causal pathway is indirect and ethno-political exclusion and competitive elections is linked to electoral violence through electoral fraud. In the second situation, one or more candidate might rig the election in order to increase their chance of winning, and in response other candidate might punish this rigging by turning to violence.[34]

With this in mind, we can specify three observable implications. First, we should only observe electoral violence when elections are perceived to be competitive. Second, we should observe that competitive elections experience more rigging. In turn, we should also observe that electoral fraud increases the risk of electoral violence. Finally, only candidates and supporters of candidates who believe they have a chance to win elections will use violence if the election was rigged. In other words, third party candidates with limited hope of winning will not mobilize supporters to use violence if they lose, even when the election was rigged.

[34] It is important to note that not all losers respond to rigging by using violence. Some might organize peaceful protests (e.g. Orange revolution in Ukraine), while other might challenge the rigging in court. I discuss this last option further in the next chapter.

3.3 Kenya's 1992 and 1997 elections

In the December 2002 election, a united opposition and a weakened KANU ensured that the election remained peaceful and without significant electoral fraud. In 1992 and 1997 KANU used violence and fraud to ensure its victory. The 2002 election was different. In early 2002 KANU was certain of victory. KANU had created a broad based ethnic coalition and the opposition looked divided as always. However, a few months prior to the election KANU fragmented while the opposition united. As election day neared KANU's leadership understood that no amount of violence would help them secure a victory in the December election.

The analysis of Kenya's 1992 and 1997 elections, in chapter two, has established that the incumbent used violence to ensure victory. While the analysis touched on the competitiveness of the elections, it did so only superficially. Thus, before I turn to the 2002 election, I will highlight the degree to which KANU expected a competitive election in both 1992 and 1997, and as a consequence believed that using violence, and outright electoral fraud, would help them secure victory.

The first instances of election related violence took place in the Rift Valley in the autumn of 1991, and continued throughout the next year. At the time, the movement for multiparty elections—the Forum for the Restoration of Democracy (FORD)—was led by a group of Kikuyu, Luo, and Luhya opposition politicians (see chapter 2). A Kikuyu-Luo alliance, with support from a significant number of Luhyas, presented KANU and President Moi with an enormous challenge. KANU's support was centered in the Rift Valley, North Eastern, and the Coast provinces, but except for Rift Valley, the other provinces were very sparsely populated. Even if Moi was to win 80% or more in these regions he was unlikely to win the overall vote. In addition, Moi might struggle in winning 25% of the vote in five provinces, as the constitution required.

As I detail in chapter two, President Moi and KANU clearly perceived FORD as a threat to their future hold on power. KANU would, as we will see below, lose an election if they had to compete against a united opposition alliance of Kikuyus and Luos, and the regime was well aware of this fact. As Hornsby (2012) writes, "there was widespread fear among the 'KANU' tribes in the Rift Valley that they would lose the upcoming election, and that their land rights would be lost, or that this was a last opportunity to reassert such rights" (Hornsby 2012, 492). The decision to use violence in the Rift Valley was a decision made at the top levels of government, and the intention was to disenfranchise members of ethnic groups KANU believed was going to support the opposition (Akiwumi 1999).

The 1997 election was remarkably similar to the 1992 election (see chapter 2). However, there was one significant difference. In 1997, KANU did not, initially, fear a united opposition. In particular, it did not fear a Kikuyu-Luo alliance. Rather, the opposition split further. In 1997, leading politicians, each representing their own ethnic group, ran for president. This created a situation where President Moi and KANU feared that he might not reach the 25% threshold in a minimum of five provinces. With Luos, Luhyas, Kikuyus and Kambas each represented by a presidential candidate, Moi could no longer be sure that he would get 25% of the votes in Nyanza, Western, Central, and Eastern province. If this had happened, President Moi would have to compete in a second round against the candidate with the second most votes in the first round. Such a situation would have seriously increased Moi's chances of electoral defeat as it would have increased the chance that non-Kalenjin voters would have voted against Moi in the second election round.

It is clear that prior to the 1992 and 1997, President Moi and the KANU elite feared that Moi's Presidency was under electoral threat. KANU successfully secured Moi's victory at the

polls by strategically using violence and electoral fraud to disenfranchise voters they believed would vote for the opposition (Howard and Roessler 2006). As Kenya began planning the 2002 elections, there was fear that the elections would resemble those of 1992 and 1997, but the elections were peaceful, and Kenya, for the first time, peacefully transferred power through the ballot box.

3.4 2002 Kenyan Elections

The 2002 election was different from the 1992 and 1997 election. In early 2002, KANU had included Luos, Kambas, and Luhyas in the party leadership, while the opposition remained fragmented. With a broad ethnic based KANU and a fragmented opposition KANU was certain of victory and did not have to use violence as they did in 1992 and 1997. However, by the summer of 2002 a series of events led KANU to fragment while the opposition united. With only a few months to go before the election polls indicated that the opposition had a large lead and KANU's leadership knew they would lose the election whether they used violence or not.

The 1997 election and its aftermath play an important role in why the 2002 election was peaceful. Even though Moi won with a comfortable margin in the presidential race, KANU only barely won a majority in the Parliament. To strengthen his advantage in the Parliament he therefore approached several opposition parties in order to entice them to vote with KANU. In general, the opposition was negative to his inducements, but Raila Odinga and his NDP accepted Moi's advance. Odinga argued that voting with Moi was the only way in which Nyanza province and the Luos could improve their situation (Hornsby 2012, 621). President Moi held his promise, and over the next few years, the government invested in the Nyanza cotton industry and built a molasses plant in Kisumu (ibid). Over time, the relationship between KANU and NDP grew closer and in June 2001, NDP officially joined KANU's government. By officially joining the

government in a coalition, Moi appointed Odinga as Minister of Energy, and several other NDP officials became ministers and assistant ministers (Hornsby 2012, 663).

At the same time as KANU was engaging other parties to cooperate in Parliament, a succession battle was looming within KANU. The 1997 election was President Moi's last term according to the Constitution, and there was seemingly no one in KANU who stood out as the apparent heir. Raila Odinga was well aware of the succession battle, and by joining the government Odinga believed he could eventually emerge as the winner of the battle, in addition to bringing development projects to Nyanza province.

In March 2002, Odinga's NDP merged with KANU. Odinga became the Secretary General of KANU and his relationship with Moi grew closer. Yet, Moi refused to tip his hat, and rather than anoint a successor KANU changed it leadership structure and appointed four vice-chairmen. The four Vice Chairmen were: Uhuru Kenyatta from Central province; Kalonzo Musyoko from Eastern province; Musalia Mudavadi from Western province; and Katana Ngala from the Coast (Kanyinga 2003, 116). With these appointments, KANU's leadership consisted of a Kalenjin, a Luo, a Luhya, a Kikuyu, a Kamba and a Mikijdi. With such a broad-based ethnic coalition leading KANU the opposition would face an uphill battle in the 2002 election. Indeed, KANU "were certain that the opposition would not unite against KANU, [and] they generally expected a repeat of the past in the 2002 general elections" (ibid, 114; see also Ndgewa 2003, 153). Thus, even without appointing a successor, President Moi believed he had ensured that KANU would stand extremely strong in the upcoming election.

Even though Moi and many of his supporters believed KANU was well prepared for the next general election, there were significant problems within the party. After all, none of the potential successors were Kalenjin. This did not sit well with many of the senior Kalenjin

politicians, and even the five potential successors were upset that Moi had yet to anoint one of them. In July, six month prior to the election, Moi finally made his choice and appointed Uhuru Kenyatta as his successor. Though not completely unexpected, it was nonetheless a controversial selection. Uhuru Kenyatta was novice politician, who had never won an election but was appointed to the Parliament and the administration by Moi in 1998 (Hornsby 2012).

The selection was highly criticized by Odinga, Ngala, Musyoko, and Mudavadi. Raila Odinga, in particular, was angry at Moi's choice, and organized a campaign within KANU to hold nominating elections to decide on the future leader of the party. Initially the three other Vice Chairmen, and several senior Kalenjin politicians joined him in his quest. The anger against Moi's appointment of Uhuru Kenyatta as KANU's presidential candidate, and Odinga's campaign for a nominating election, split KANU in two (Masime and Kibara 2003; Hornsby 2012; and Howard and Roessler 2002).

At the same time, the opposition, led by Mwai Kibaki, became more united. By July 2002, Kibaki had managed to create a broad-based alliance—the National Alliance (NAK)—that included Wamalwa from Western Province and Ngilu from Eastern province (Hornsby 2012, 675).[35] Though the alliance had yet to settle on a presidential candidate, the tide was beginning to turn, with the opposition uniting and KANU fragmenting.

On October 13, 2002, Odinga and many of his KANU allies resigned from the government and announced that they had established their own party, the Liberal Democratic Party (LDP). During August and September, Odinga had held informal talks with Kibaki's alliance about potentially joining NAK, and on October 14, 2002, Odinga's LDP and NAK joined forces in the National Rainbow Coalition (NARC). NAK had appointed Kibaki as its

[35] Recall from chapter 2 that Wamalwa, a Luhya, led Ford-Kenya, while Kibaki, a Kikuyu, received the second most votes in the 1997 Presidential election. Ngilu, a Kamba, also ran for President in 1997, and received 35% of the votes in Eastern province.

presidential candidate in September, and Odinga and his allies had accepted the choice before NARC was established. For the first time since 1992, the opposition had united in a grand alliance and nominated one presidential candidate to represent them. In addition, the parties had signed a Memorandum of Understanding (MoU). The MoU specified that NARC would only field one parliamentary candidate for each district, and they would start a process to re-write the Constitution as soon as they won the election. NARC was now led by a flag-bearer from each major ethnic group, except the Kalenjin, and two months prior to the election NARC was a surprisingly well-organized and strong opposition movement (Howard and Roessler 2002, 378-379; see also Hornsby 2012, 681).

Moi's gamble of appointing Uhuru Kenyatta as his successor had clearly failed; not only did it bring the opposition together, but it left the remainder of KANU split in two. Whereas opinion polls in the early summer of 2002 indicated that any of Moi's potential successors would beat Kibaki, by late October opinion polls gave NARC and Kibaki a substantial lead over Kenyatta and KANU (ibid). The appointment of Uhuru Kenyatta had, in other words, turned the tide. By October, Moi's regime was well aware of the fact the "KANU's defeat was likely" (ibid).

A united opposition and a weakened KANU ensured that the 2002 election remained peaceful and without significant electoral fraud. In both 1992 and 1997, KANU used violence and electoral fraud to ensure their victory. In both cases, KANU elites mobilized supporters to use violence against opposition supporters, months in advance of the election. The 2002 election was different. By early 2002, KANU had created a broad ethnic coalition, while the opposition remained fragmented. Thus, this time around there were no incentives to use violence at an early stage. Then in a matter of weeks KANU's fortune changed. With the opposition uniting and

KANU fragmenting, the KANU elite understood that they were very likely to lose and no amount of violence and fraud help them win (ibid; Hornsby 2012, 694; Barkan 1993). With the outcome of the election clear months prior to election day, the benefit of using violence or fraud was negligible for the KANU, while the potential cost was very high. While a violent campaign was unlikely to help KANU secure victory, the regime might also be at risk of prosecution if and when they lost the election.[36]

3.4.1 The 2002 election results

The 2002 election results show that both KANU and NARC was correct in their assessment of a clear victory for NARC. While Moi had won the 1992 and 1997 election with less than 40 percent of the vote, Kibaki won the 2002 election with more than 60 percent of the vote.

The election was held on December 27, 2002 and Kibaki received 61 percent of the votes, while Uhuru Kenyatta received 31 percent of the votes. The remaining votes were split between several other candidates. Not only did Kibaki win the overall vote, but he also won a minimum of 25 percent of the votes in every province, the first time any candidate had done so.[37] He also received the most votes in every province except for North Eastern and Rift Valley. As table 3.1 shows, NARC remained united and the multi-ethnic nature of its leadership secured an overwhelming victory.

Table 3.1 2002 Presidential election results

Province	Kibaki	Kenyatta	Others
Nairobi	76.5	20.8	2.7
Central	69	30.3	0.7

[36] An additional plausible reason for KANU not using violence is that several of the KANU elites might have hoped to join the new government at a later stage. Organizing a violent campaign would have made this impossible.
[37] As discussed on chapter 2, to win the election in the first round a candidate need a majority of the overall vote, as well as, a minimum of 25% of the votes in at least five provinces.

Eastern	72.5	26.2	1.3
North Eastern	27.7	66.2	6.1
Coast	62.8	33.4	3.8
Rift Valley	43.1	52.9	4
Western	74.9	21.6	3.5
Nyanza	59.5	7.7	32.8**
Total:	61.3	31.6	7.1

* Source: Throup 2003; African Elections Database (http://africanelections.tripod.com/)
**One of the other candidates was Simeon Nyachae, a Kisii from southern Nyanza. He won 31.5% of the votes in Nyanza province, but only 6.5% overall.

3.5 Summary of the Kenya's 1992, 1997 and 2002 election

The comparison of Kenya's 1992, 1997, and 2002 elections, provides strong evidence for the second hypothesis, that ethno-political exclusion is more likely to lead to violence when the candidates running for office perceives that the election is competitive. In other words, there is an interaction effect between ethno-political exclusion and the perceived competitiveness of an upcoming election. In other words, while ethno-political exclusion provides political elites with an opportunity to mobilize its supporters with ethnic appeals, the same elites are unlikely to organize violent campaigns unless they know that such campaigns will ensure them an election victory.

In the case of the 2002 Kenyan election several important factors signaled to the Moi regime that they would lose the election. First and foremost was the way in which the opposition finally united over one presidential candidate. With Moi only winning 36% and 40% in the 1992 and 1997 elections, KANU knew that a clear majority was willing to vote for someone else than Moi and KANU. With the opposition united, opposition voters, who had split their votes in 1992 and 1997, would now vote for Kibaki. The second factor was the opinion polls, and in particular polls in October 2002, which clearly confirmed KANU's knowledge that they were going to lose.

3.6 Ethno-political exclusion and competitive elections in sub-Saharan Africa 1990-2010

As the comparisons above only covers Kenyan elections, it is necessary to test the argument further to see if the relationship holds across all of sub-Saharan Africa. In the next section, I present further evidence of the relationship. First, I briefly describe the research design and data. I then present the findings, before I conclude with the analysis of the findings.

3.6.1 Research design

To test whether ethno-political exclusion triggers election violence when elections are competitive, I use the same research design as I did in chapter one, but with two important changes. First, I include an additional variable to capture the competitiveness of the elections, and interact this variable with the ethno-political exclusion variable from the EPR dataset described in chapter two. Second, I also include several models where I assess the key observable implication, that we should see more electoral fraud when an election is competitive and occurs in a state with ethno-political marginalization.

3.6.2 Data and variables

In addition to all the variables included in chapter two, I add a variable for competitive elections. Measuring the competitiveness of an election is difficult, especially since my argument suggests that it is the pre-election perception of competitiveness that is important. This means that I cannot use election results to measure competitiveness. However, as the 2002 Kenya election showed, polling data signals to candidates the degree to which the election will be competitive or not. Rather than collect polling data for all elections in sub-Saharan Africa between 1990 and 2010, I use data from the National Elections Across Democracy and Autocracy dataset (Hyde

and Marinov 2012). In particular, I combine two variables from their dataset that relates to polling data. The first variable is NELDA25. Nelda25 is a binary variable, which indicates whether reliable polls existed prior to the election. The second variable is NELDA26. This variable indicates whether the polls were favorable for the incumbent. I follow Hafner-Burton et al. (2013) and create a variable "polling unfavorable", which equals one if polls existed and they did not favor the incumbent or if reliable polls did not exist. In other words, if a reliable poll was completed prior to an election and the poll was favorable for the incumbent, then my variable "polling unfavorable" equals "0". That is, the election is not competitive. However, if a poll was unfavorable, or no poll was completed prior to the election then "polling unfavorable" equals "1". That is the election is coded as competitive. The measure is not perfect, but it provides us with a good indicator as to whether the candidates had information about how competitive the election was likely to be. In total 203 out of 253 elections, or 80% of the elections, are coded as "competitive".

In addition to the variable for competitive elections, I include all the same variables as I did in chapter 1. These are ethnic exclusion, international denunciation, presidential systems, majoritarian systems, democracy, armed conflict, whether non-election related protests took place prior to the election, whether the last election was violent, size of population, economic development (GDP per capita), and ethnic fractionalization.

3.6.3 Analysis

I present 5 models below in table 3.1. To compare the findings in this chapter with the findings from the last chapter, I include the baseline model from the last chapter, as model 1. In model 2, I include the variable for competitive elections, but I do not interact it with ethno-political

exclusion. For both of these models, the dependent variable is "overall election violence", as described in chapter 2. In model 3, 4 and 5, I interact ethno-political exclusion and competitive elections, and test the effect on different dependent variables to understand the timing of violence. In model 3 the dependent variable is "overall election violence"; in model 4 it is "pre-election violence"; and in model 5 it is "post-election violence".

Table 3.2 Logistic regression Ethnic exclusion and competitive elections

	Model 1 Overall	Model 2 Overall	Model 3 Overall	Model 4 Pre-election	Model 5 Post-Election
Ethnic Exclusion* Competition			6.41**	8.01**	-.13
			(2.70)	(3.42)	(3.33)
Ethnic exclusion	3.27**	3.26***	-1.89	-2.28	1.66
	(1.45)	(1.21)	(2.65)	(3.04)	(3.26)
Competitive election		1.60*	0.30	-1.13	0.99
		(0.91)	(0.69)	(0.90)	(1.10)
Int. denunciation	2.21**	2.60***	3.31***	2.77***	1.14
	(0.97)	(0.81)	(0.87)	(0.67)	(0.74)
Majoritarian	0.46	0.41	0.15	-0.36	0.16
	(0.77)	(0.67)	(0.58)	(0.68)	(0.69)
Presidential system	-1.42*	-1.64**	-1.40*	-1.13	-1.20
	(0.80)	(0.84)	(0.78)	(1.28)	(077)
Democracy_lag	0.01	0.03	0.04	0.04	0.05
	(0.05)	(0.05)	(0.05)	(0.05)	(0.06)
Conflict	0.93	1.01	1.20*	0.86	0.74
	(0.68)	(0.64)	(0.67)	(0.64)	(0.72)
Non-election protests	0.64	0.60	0.45	0.58	0.00
	(0.47)	(0.46)	(0.48)	(0.66)	(0.58)
Last election violent	0.44	0.56	0.68	1.50***	-0.47
	(0.50)	(0.50)	(0.52)	(0.58)	(0.61)
Population_ln	0.91***	0.92***	1.00***	0.88***	0.06
	(0.34)	(0.35)	(0.38)	(0.23)	(0.26)
GDP per cap_ln_lag	0.00	0.00	0.00	0.00	-0.00
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Ethnic fractionalization	-1.64	-1.88	-3.19***	-3.37**	0.45
	(2.15)	(1.62)	(1.14)	(1.70)	(1.40)
Constant	-15.66***	16.96***	16.29***	-14.40***	-3.79
	(5.45)	(5.76)	(5.98)	(4.22)	(4.28)
N	199	198	198	198	198
Clusters	39	39	39	39	39
AIC	162.39	159.32	(155.24)	125.07	143.47

Country-clustered robust standard error in parentheses, ***p > .01, **p > .05, *p > .1

What one can see from the table above is that the results from model 1 (the main model from chapter two), changes very little when I include the competitiveness of elections (model 2). Neither the coefficients nor their statistical significance changes to any significant degree. Of the alternative explanations, the coefficient for international denunciation is positive and statistically significant, while the coefficient for presidential systems is negative and statistically significant. The coefficient for majoritarian systems is still small and not statistically significant. For the other control variables the results are nearly identical in model 1 and model 2, so including competitive election did not change the results to any significant degree.

In model 2, the coefficient for competitive election is positive and statistically significant at the 10 percent level. Indicating the competitiveness by itself does increase the risk of overall electoral violence. However, the main hypothesis I test in this chapter is that ethno-political exclusion is more likely to increase the probability of violence when elections are competitive, than when they are not. I test this relationship in models 3, 4, and 5. In model 3 and 4, the interaction effect is large and statistically significant, however, in model 5, it is not. Indeed, none of the variables in model 5 are statistically significant. The fact that none of the variables predict post-election violence is interesting and raises important questions. Can it be that a completely different explanatory logic is necessary to explain post-election violence? Or is something else going on? The main reason for this is probably that high levels of post-election violence only occurred in 20 of the 198 elections analyzed. Thus, post-election violence is a rare phenomenon that might indicate that the strategic value of violence after an election is low and perhaps costly. Rather than exploring this question further at this time I only focus on overall election violence in the remainder of the chapter.

Of the alternative explanations, we can see in model 3 and model 4, that international denunciation by election observers increases the risk of "overall" and "pre-election" violence. As in chapter 2 (model 1 above), presidential systems reduce the risk of overall election violence, but it is not statistically significant for either pre-election or post-election violence. Majoritarian systems have no effect on election violence in any of the models. Of the control variables, the coefficient for the size of population is, as expected, positive and statistically significant. Finally, ethnic fractionalization has a negative effect on electoral violence. This is somewhat surprising, but having many smaller ethnic groups makes it more difficult for any one of them to mobilize to fight a powerful state. It is also consistent with recent research, and the argument of my dissertation, which shows that ethnic diversity in itself is not bad – rather ethnic marginalization, is the problem.

A logistical regression does not allow us interpret the coefficient directly. To better illustrate the substantive effect of the variables I therefor present the predicted probabilities in figure 3.1 below.

Figure 3.1 Predicted probabilities model 3

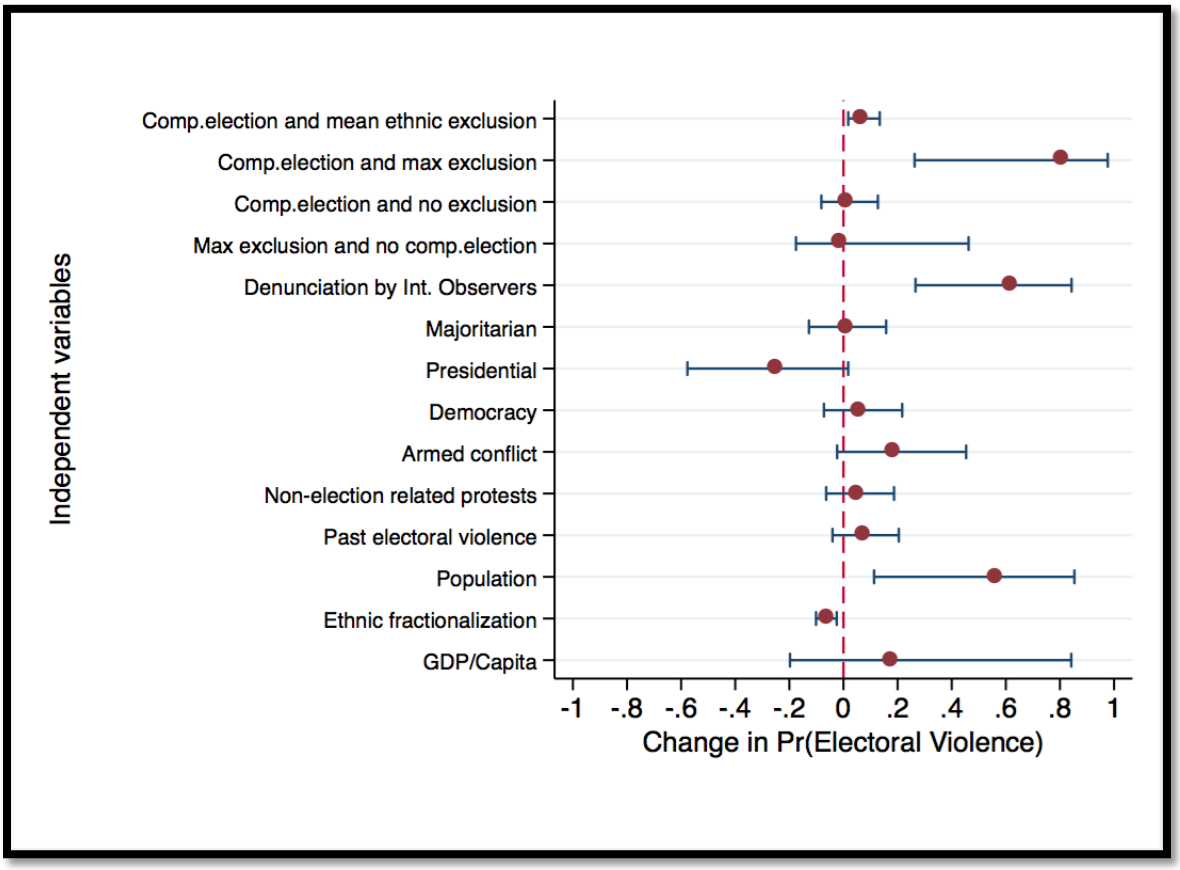
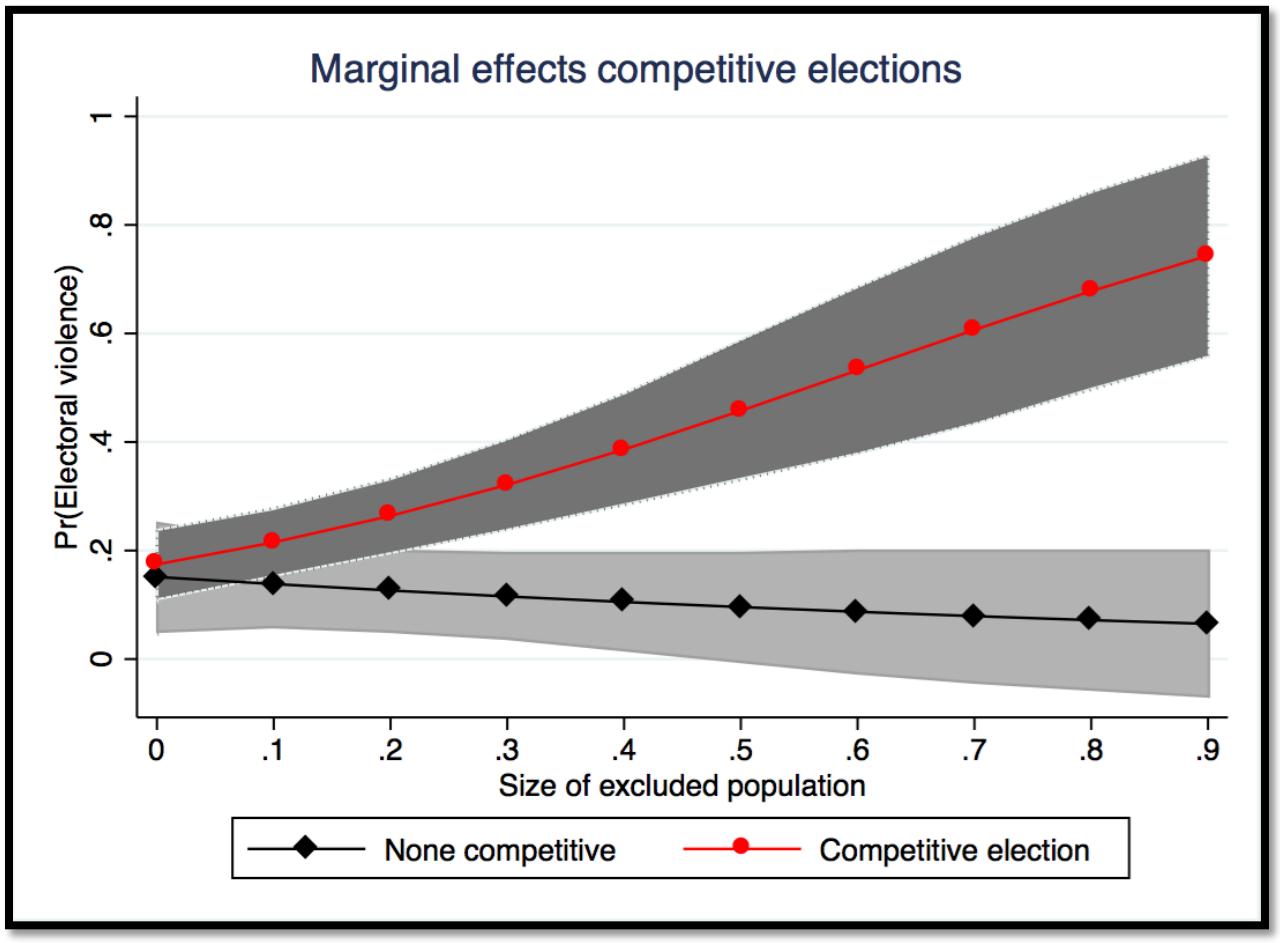


Figure 3.1 displays the predicted probabilities of model 3 with different specifications for the interaction effect. The first variable shows that when the election is competitive and we move from 0 percent of the population being excluded to 20 percent of the population being excluded (the mean value of the sample), the risk of electoral violence increases with 7 percent. The second variable shows that when the election is competitive and we move from 20 percent of the population being excluded to 91 percent of the population being excluded (from mean to max size of ethnic exclusion in the sample), the risk of violence increases with nearly 80 percent. Variable three and four show the risk for electoral violence when an election is competitive, but 0 percent of the population is excluded, and when 91% of the population is excluded, but the election is not competitive, respectively. In both cases, the risk of violence is close to zero and

neither is significant. The first two lines in figure 3.1, indicates that the risk of electoral violence increases as the size of the excluded population increase, as long as the election is competitive. I explore this further in figure 3.2.[38]

Figure 3.2 shows the marginal effects of the relationship between ethno-political exclusion and competitive elections. The top line show the probability of violence when elections are competitive, and the bottom line shows the probability of violence when elections are not competitive. The shaded area is the 95% confidence intervals.

*Figure 3.2 Marginal effects of competitive elections**



**Shaded area represents the 95% confidence interval.*

[38] There are only four cases in my data where the size of the excluded population is above 60 percent. To ensure that these cases do not drive these results I have run a series of robustness tests were I remove this outliers from the analysis. The results do not significantly change when I remove the outliers.

The figure shows how the risk of violence increases as the size of the excluded population increases when elections are competitive, while the risk of violence remains low and slightly declines when elections are uncompetitive. Notice also the separation between the confidence intervals. The fact that the confidence intervals are not crossing each other further supports that the difference is not only statistically, but also substantively different from each other. In sum, the analysis provides very strong evidence that there is a robust relationship between ethno-national exclusion, competitive elections, and electoral violence. As one would expect, as more people are excluded from power the risk of violence increases when elections are competitive.

3.6.4 Observable implications

Recall from the discussion above, that the democratic credible commitment problem is more severe when the incumbent and challengers both believe they can win the election. This in turn increases the likelihood that candidates will attempt to rig the election, thus increasing the probability for electoral violence. If this argument holds true, we should observe more election rigging when elections are competitive and politically excluded ethnic groups compete for power. We should also observe that rigging leads to electoral violence. I test both these observable implications below.

3.6.4.1 Data and analysis

To test whether ethnic exclusion and competitive elections increase cheating I run two additional models. Both models are logistic regression with robust standard errors and the unit of observation is the election round. As the dependent variable I use two variables from Judith Kelley's (2012) dataset "Quality of Elections Data" (QED). Kelley uses the U.S. State Department's Country Reports on Human Rights Practices and collects data on numerous

variables associated with election quality around the world. Kelley's data covers the period 1978 to 2004, and I have extended the data to cover the elections in Africa that took place between 2005 and 2010. In the models below, I use three of Kelley's variables as my dependent variables. First, I use a variable that measures the "overall pre-election political conditions". This is an ordinal-level variable that "includes a number of behaviors that violate international standards of proper pre-election environment". In essence, the variable measures the degree to which the incumbent is rigging the election prior to election day. The variable is four category ordinal variable where zero equals "no reported problems", one equals "minor problems", two "equals moderate problems", and three equals "major problems". I have recoded the variable to a binary variable where "0" equals "no reported problems" or "minor problems, and "1" equals "moderate problems" or "major problems". The second variable measures explicit cheating on election day. The variable captures a variety of practices that are commonly used to rig elections on election day, such as ballot stuffing, problems with counting, vote buying and voter intimidation. The variable is coded in the same way as the pre-election cheating variable.

In addition to the interaction effect of ethnic exclusion and competitive elections, I control for several of the variables that were included in the models above, as these might also be associated with more or less election cheating. I include whether it is a presidential system, whether it is a majoritarian system, level of democracy, population size, and GDP per capita.[39] In addition, I include whether there were credible election observers present. I use NELDA 46 from the NELDA dataset to measure this. NELDA46 equals "1" if credible election observers were present to observe the election and "0" if no credible election observers were present. With credible election observers, NELDA means observers from Western countries and organizations. Finally, I control for international aid flows, since holding clean elections might be a condition

[39] See chapter 2 for a description and sources for these variables.

for receiving aid. The data on aid comes from the World Development Indicators. I report the findings in table 3.2 and figure 3.3.

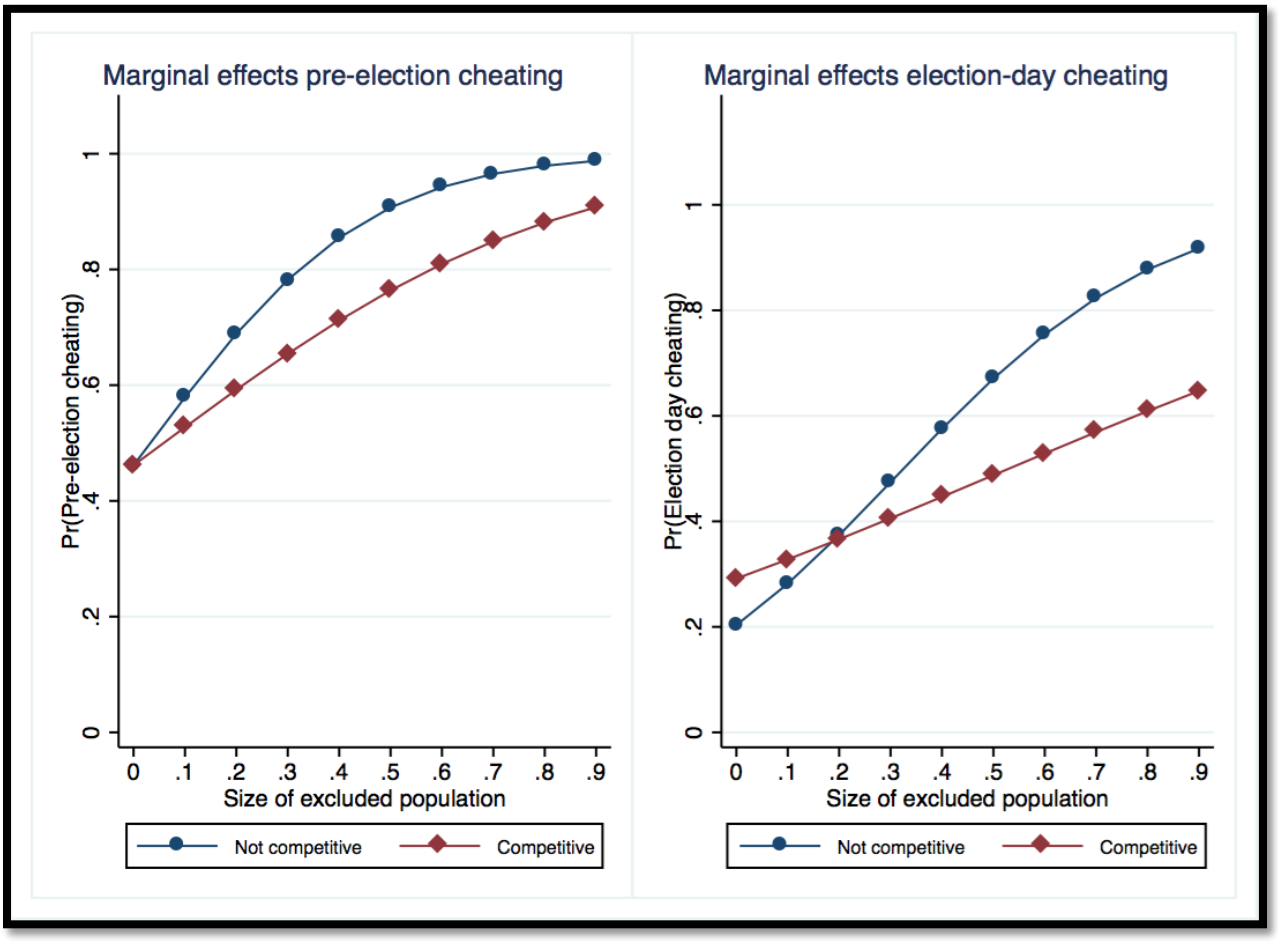
Table 3.3 Logistic regression, pre-election and election day cheating

	Model 6 Pre-election cheating	Model 7 Election day cheating
Ethnic Exclusion* Competition	-2.12 (2.40)	-2.80 (2.28)
Ethnic exclusion	5.15** (2.26)	4.70** (2.12)
Competitive election	-0.07 (0.37)	0.52 (0.48)
International observers	-0.36 (0.35)	0.32 (0.40)
Majoritarian	0.70 (0.42)	1.28** (0.50)
Presidential system	0.45 (0.57)	0.09 (0.73)
Democracy_lag	-0.09*** (0.03	-0.08** (0.03)
GDP per cap_ln_lag	0.00 (0.00)	0.00 (0.00)
International aid	0.09** (0.04)	0.04 (0.05)
Constant	-1.49** (0.70)	-3.18*** (1.04
N	211	205
Clusters	40	40
AIC	261.45	245.14

Country-clustered robust standard error in parentheses, ***p > .01, **p > .05, *p > .1

As we can see from table 3.2, the coefficient for the interaction effect is negative and not statistically significant in either of the models. This means that the while ethno-political exclusion and competitive elections might increase the probability of rigging, we cannot say with statistical certainty, whether it increases the probability of rigging more, than if the election is non-competitive. I explore this further in figure 3.3.

Figure 3.3 Marginal effects pre-election and election day cheating[40]



As we se from figure 3.2, as the size of the excluded population increases, the risk of cheating increase when election are competitive, as well as when the election is not competitive. In other words, ethno-political exclusion is driving the relationship and though competitive elections increase the probability of election fraud, it is neither sufficient, nor necessary.

Model 6 and 7 confirms that competitive elections in states with political excluded ethnic groups increase the probability of electoral fraud, and thus lends conditional support to one of the

[40] As we can see from the graph, competitive elections reduce the risk compared to non-competitive election. However, the confidence intervals significantly overlap each other. I have not included confidence intervals for presentation purposes.

observable implications. The next question is whether electoral fraud increases the probability of violence.

To test whether election fraud increases the risk of electoral violence I use the same framework as I did in model 3 above. I include the same variables, but in addition I include election rigging as an independent variable. As I did for the first observable implication, I run two models, one with pre-election rigging and one with election day rigging. I use the same measure for rigging as I did in model 6 and 7. The results are presented in Table 3.3 and Figure 3.4.

Table 3.4 Logistic regression, electoral fraud and violence

	Model 8 **Overall violence**	**Model 9** **Overall violence**
Pre-election cheating	1.15* (0.68)	
Election day cheating		1.53** (0.65)
Ethnic Exclusion* Competition	6.53** (2.63)	7.62** (3.33)
Ethnic exclusion	-2.01 (2.58)	-2.53 (3.33)
Competitive election	0.66 (0.77)	0.28 (0.80)
Int. denunciation	3.27*** (0.96)	3.02*** (0.99)
Majoritarian	0.02 (0.55)	-0.04 (0.63)
Presidential system	-1.67* (0.87	-1.15 (0.87)
Democracy_lag	0.08 (0.06)	0.11* (0.06)
Conflict	1.37 (0.84)	1.30 (0.80)
Non-election protests	0.33 (0.55)	0.20 (0.56)
Last election violent	0.78 (0.52)	0.64 (0.56)
Population_ln	1.02** (0.43)	0.94** (0.41)
GDP per cap_ln_lag	0.00 (0.00)	0.00 (0.00)

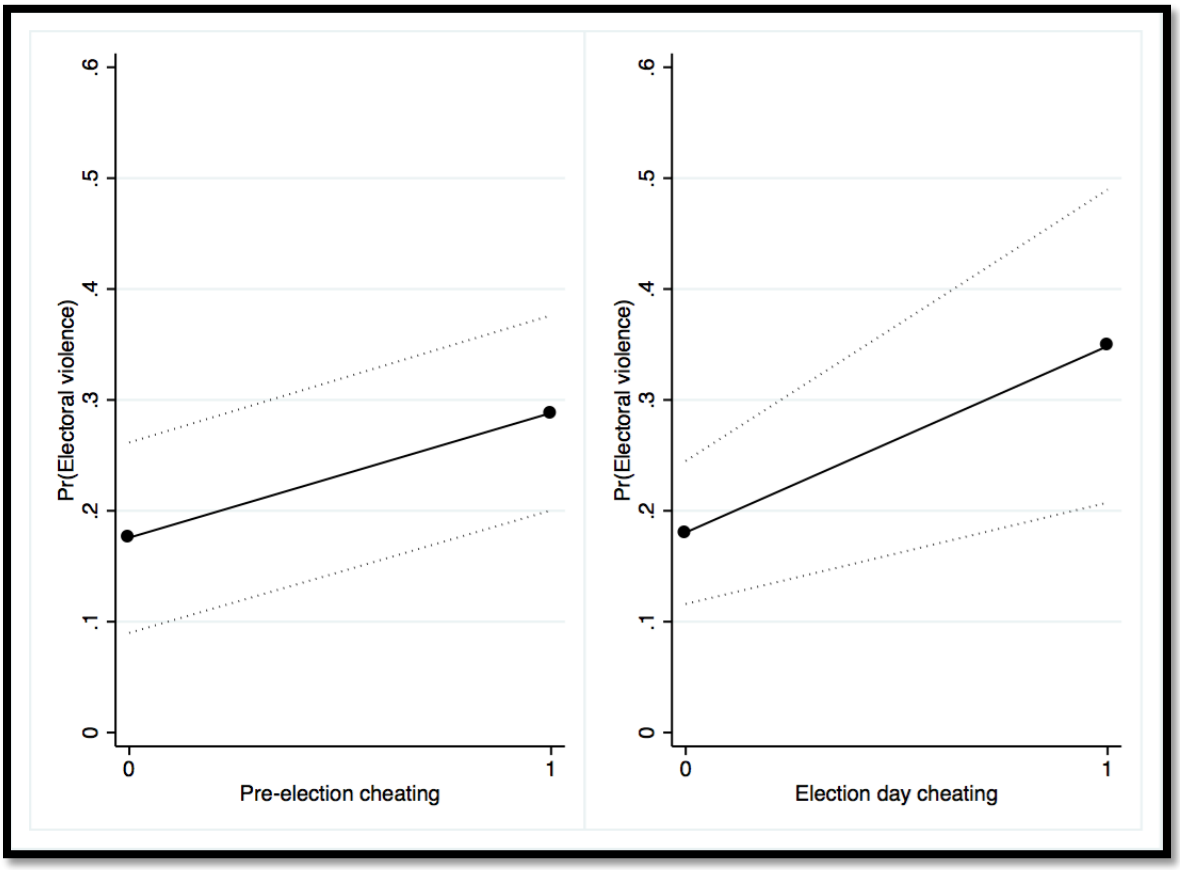
Ethnic fractionalization	-3.00**	-3.53***
	(1.25)	(1.32)
Constant	-17.43***	-15.82**
	(6.76)	(6.58)
N	195	190
Clusters	39	39
AIC	150.24	144.90

Country-clustered robust standard error in parentheses, ***p > .01, **p > .05, *p > .1

The coefficients for pre-election and election day cheating are both positive and statistically significant, though pre-election cheating is only significant at the 10% level. Including the election fraud variables does not significantly change any of the other coefficients in the regression analysis, and as we see, the interaction between ethno-political exclusion and competition also remains positive and statistically significant.[41] Figure 3.4 provide us with a better understanding of the substantive effect election that fraud has on electoral violence.

[41] I have run additional models were I do not include the interaction between competition and ethno-political exclusion and the results remain the same.

*Figure 3.4 Marginal effects pre-election and election day cheating**



*Dotted lines represent the 95% confidence interval.

Figure 3.4 shows that election rigging increases the risk of violence. To be exact, the probability of violence is 17.5% when there is no pre-election fraud, while it increases to 29% when there is pre-election fraud. For election day fraud the probability of violence is 18% without fraud and 35% when there is fraud. In other words, the probability of violence almost doubles when elections are rigged.

The quantitative analysis provides very strong evidence in support of the second hypothesis that the combination of ethno-political exclusion and competitive elections creates a dangerous mix in new democracies. Indeed, models three and four (see figures 3.1 and 3.2 for illustration) show that ethno-national exclusion only increases the risk of electoral violence when elections are competitive. The analysis also shows, that ethnic discrimination and competitive

elections lead to election fraud, while election fraud increases the risk of electoral violence. In sum, the evidence not only provides support for the hypothesis, but also for both causal pathways described above. Ethno-political exclusion can lead directly to violence, or lead to violence through increased rigging.

3.7 Conclusion

In chapter 2 and 3 I have established that ethno-political exclusion and competitive elections create a dangerous combination that increases the risk of electoral violence. Having established which factors make electoral violence more likely, I now turn to the second part of the dissertation, and ask whether we can identify some institutions that reduce the risk of electoral violence, even in high-risk situations. I the next chapter I compare Kenya's 2007 and 2013 elections, as well as Ghana's 2000 and 2008 elections, and argue that independent election commissions can ameliorate electoral violence. I then test this argument in a large-N statistical analysis.

Chapter 4: Institutionalizing Peaceful Elections: The Role of Independent Electoral Management Bodies

4.1 Introduction

The two prior chapters focused on the conditions that make electoral violence more likely. So far, I have shown that the combination of ethno-political exclusion and perceptions of competitive elections significantly increase the risk of electoral violence. In this chapter, I focus on factors that can mitigate the risk of electoral violence, even in the high-risk situations discussed in chapters one and two. The main argument in this chapter is that institutions that can guarantee incumbents and challengers a credible election, and assure that today's losers can compete in tomorrow's elections, can reduce the risk of electoral violence. Specifically, I argue that independent electoral management bodies (EMBs) increase the quality of elections, reduce fraud, and also ensure that candidates do not attempt to subvert the democratic process.

The chapter proceeds as follows: First, I briefly revisit the theoretical argument, before I present the hypothesis and its observable implications. In section two, I discuss the literature on EMBs. Section four describes a new dataset on EMB independence in sub-Saharan Africa. In section five, I test the hypothesis in a cross-national statistical analysis. I then conduct a series of case studies of elections in Ghana and Kenya. I compare Ghana's 2000 and 2008 election to Kenya's 2007 election, and then I examine Kenya's 2013 election. I conclude the chapter in the final section.

4.2 The argument

My argument builds on Przeworski (1991) and Weingast's (1997) insight that democracy is a credible commitment problem and that democratic stability requires a self-enforcing equilibrium. As Weingast writes, "[i]t must be in the interests of political officials to respect democracy's

limits on their behavior" (1997, 245). According to Przeworski (1991), we need to look to political institutions to find a solution to the credible commitment problem. Political elites "comply with present defeats because they believe that the institutional framework that organizes the democratic competition will permit them to advance their interest in the future" (ibid, 19). The implication being that election losers will accept the result as long as they believe they can compete for power in future elections.

The most important feature of democratic elections is that there are clear rules and procedures, while the outcome is uncertain (Przeworski 1991). However, in many new democracies this is not the case. Rather than ensure clear rules and procedures, political elites in new democracies, fail to institutionalize the rules of electoral politics, thus giving the incumbent an opportunity to manipulate the game in order to maintain his or her power (Bunce 2000).

Institutionalizing the rules of the game is critical in new democracies, especially in states with legacies of ethno-political exclusion. Marginalized groups and their political elites worry whether the electoral process will be free and fair. As the case studies of Kenya have shown (see chapter 1 and below), marginalized groups worry whether their preferred candidates will be allowed to stand for election. They wonder if they will be allowed to vote. Will the incumbent autocrat and his or her supporters steal the election? And perhaps most important, both incumbents, challengers, and their respective supporters, worry about the ability to compete for power in the future if they lose elections today. Holding high-stakes elections in such an environment can, as I have shown above and will show below, lead to electoral violence. We therefore have to ask: how can a state institutionalize procedural certainty? I argue that one way to institutionalize procedural certainty is to empower third parties to regulate and manage elections, so called electoral management bodies (EMBs).

Independent EMBs can reduce the likelihood of electoral violence because they are not beholden to any of the political actors competing in an election. Because EMBs control the electoral process (the rules of the game), they can extend the time horizons of the political actors, and thus reduce the incentives to cheat. Indeed, regardless of incentives to cheat, independent EMBs make it harder for the candidates to cheat, since they, especially the incumbent, have less control over the electoral process. When independent EMBs control voter registration, polling, counting and tabulation, common methods of rigging such as manipulating the voter register, ballot stuffing, and manipulation of the final tabulation make it more difficult for candidates and their proxies to engineer the results they want. Furthermore, independent EMBs are also more likely allow international and domestic observers, as well as political party agents, to systematically observe elections, all of which makes blatant rigging more difficult. In sum, by securing free and fair elections independent EMBs indicate to a losing candidate that the "system" works and that he will be able to compete again in the future. This leads to the third hypothesis:

> **Hypothesis 3: New democracies with legacies of group inequalities that have competitive elections are less likely to experience electoral violence when an independent electoral management body organizes elections.**

The main observable implication for hypothesis three is that we should observe a lower risk of electoral violence when independent EMBs are responsible for organizing the violence. In addition, we should observe higher quality elections with less fraud and rigging when independent EMBs organize them. Finally, we should observe that losing candidates concede without protest, and indicate that they believe they can compete again in the future. In contrast, in cases where election commissions lack independence, losing candidates should indicate that a loss today would limit their opportunity to compete for power in the future.

4.3 A brief history of the study of EMBs

Before I move to the empirical analysis of hypothesis three, I will briefly discuss some of the election commission literature, as well as some its weaknesses. The history of the academic study of EMBs is a short one.[42] Early in the post-Cold War years, election observers working in developing countries began to suggest that EMBs, which were supposed to be independent of direct pressure from politicians, were critical for securing free and fair elections in new and unconsolidated democracies. For example, in their final report for the 1992 election in Kenya, the International Republican Institute stated:

> The IRI seriously questions the Commission's independence because it appeared to lack the authority to negotiate without prior consultation with higher authorities. Further, when the nomination period was shortened (to the disadvantage of all parties), the Electoral Commission neither formally nor publicly advised the Attorney General of the consequences of the decision. At this key juncture of the electoral process, the Electoral Commission appeared to side with the Attorney General rather than represent the interests of the political parties and the Kenyan citizens (IRI 1993, 19).

Scholarly interest in election commissions did not immediately follow the concerns raised by international election observation missions. As Mozaffar and Schedler (2002) argue, because the preponderance of scholarship on democratization originated in more or less well-functioning democracies, scholars held a biased assumption that election administrations were rational bureaucratic institutions whose task was to simply carry out the rules laid down by legislators. However, as we know from election observers and recent scholarly work, many new democracies do not have such rationalized bureaucracy and EMBs often come under political pressure to violate their own rules (see for example Gazibo 2006; Pastor 1999; and Mozaffar and Schedler 2002).

[42] Electoral management bodies (EMBs) are also called election commissions. I use both interchangeably throughout the chapter.

Robert A. Pastor (1999) was one of the first to seriously analyze the important role that election commissions can play in democratic transitions.[43] However, scholarly interest in EMBs did not immediately take root. While work appeared in the early 2000s, it was not until the end of the decade that cross-national large-n work appeared (Birch 2008, 2011; Hartlyn et al 2008 and Rosas 2011).

The scholarly work on EMBs can be divided in to scholars who put EMBs on the left versus the right hand side of the equation. That is, some scholars have looked at the determinants of EMB independence (Gazibo 2006; Mozaffar 2002), while others have examined how EMBs impact electoral outcomes (Hartlyn et al. 2008). Regardless of what side of the equation EMBs are put on, no consensus exists as to how to measure EMB independence. Moreover, as I show below, scholars have thus far examined only the de jure independence of EMBs, which is likely to over-predict the degree to which EMBs are empirically independent (Gazibo 2006).

The first study to examine EMB independence was López-Pintor (2000). López-Pintor classified the institutional structure of EMBs into five types, based on the de jure laws governing elections of a country. These categories are "The Government runs the elections", "Government bodies in highly decentralized system run elections", "Government under a supervisory collective authority (largely judiciary) runs elections", "Independent commission fully responsible for the elections", "Two or more separate bodies, all independent from the government run elections". It is important to note that this categorization lumps democracies and non-democracies together. For example, under López-Pintor's classification, both Denmark and Jordan have governments running elections (that is, non-independent EMBs), while both Canada and Tajikistan have independent EMBs. Several further studies have simply

[43] Considering that Pastor was the Director of the Latin America and Democracy Programs as the Carter Center, it is perhaps not surprising that he would be an early advocate for taking the study of election administration seriously. The Carter Center had, after all, been an important election observation group since the early 1990s.

dichotomized this variable (e.g., Birch 2008) or broken it into three categories: (1) elections run by governments, (2) elections run by de jure independent EMBs, and (3) elections run by a combination of the two (Birch 2010).

The limitations of the de jure approach to measuring institutional independence have recently appeared in a wide variety of contexts. For example Pincus and Robinson (2011), demonstrate that it is more important to understand underlying behavior of the actors involved in the process, rather than the frameworks themselves.[44] Eisenstadt (2002) illustrates the limitation of the de jure approach when he examines Mexico's electoral courts. His analysis shows that de jure independence was not enough for opposition parties to use the courts to challenge election results. Only after the courts were able to convince political actors that they were de facto independent did the opposition party take advantage of the power the courts possessed.

Research has pushed beyond the relatively simple categorization suggested by López-Pintor, and has examined regulations regarding the appointment and professional qualifications of election commission members, as well as regulations regarding the separation of EMBs from other government entities. Mozaffar (2002) adopts such an approach in his study of elections in Africa by focusing on the institutional arrangements of the EMB to gauge independence. While he does not publish a coding scheme, Mozaffar explains that the coding is based on " the extent of separation and overlap of authority over operational activities on the one hand, and strategic planning, supervision and policy coordination on the other" (p.91). Based on this concept of the separation of authority, Mozaffar develops a three point ordered scheme, which he labels "non-autonomous", "semi-autonomous" and "autonomous".

Examining Latin American elections, Hartlyn et al. (2008) attempt two additional ways of classifying electoral management bodies. The first scheme, a four category ordinal variable,

[44] See also Gazibo 2006.

attempts to proxy for independence by measuring partisanship. That is, Hartlyn et al. look at the degree to which one political party controls the EMB, measuring this based on commission membership. Hartlyn et al. argue that countries that have "professional autonomy" are less likely to be partisan. They therefore code commissions based on the amount of professional autonomy that commissions have.[45] Their second method employs an index composed of two parts intended to measure a system of checks and balances that would prevent institutional capture. The index is composed of two parts: the count of the number of governmental bodies involved in the appointment process to EMBs and a tenure ratio, which measures whether commissioners serve longer than those who appointed them. The idea is that both measures together proxy for a system of checks and balances on external party control of commissioners, and, hence, their independence.

This focus on legal independence is understandable, as it is easier to find data on broad legal rules than on the actual behavior of election commissions. But legal rules are only as strong as the will of individual actors to uphold them and of political actors in particular to enforce them. While both Mozaffar's and Hartlyn et al.'s measures improve on simple notions of constitutional independence, neither method captures the real de facto independence of an EMB. More importantly, while they may accurately predict non-independent commissions, the measures will most likely over-predict independent commissions. That is they will suffer from false positives (Type I errors), in that they will typically over-predict the true level of independence.

[45] Recent work on Mexico has shown that this notion of professional autonomy is largely not true and that ostensibly independent commissioners serve as party watchdogs (Estévez et al. 2008).

For example, Hartlyn et al.'s second scheme, which measures the number of different groups that appoint the EMB commissioners, will most likely accurately predict cases where the EMBs are partisan. I generally concur with Hartlyn et al. that it is likely that in a state where there were no checks and balances on the appointment of EMB commissioners, these commissioners are less likely to be de facto independent of those who appointed them. Yet, counterexamples are easy to come by. In both Kenya and Ghana election commissioners in the 1992-2008 period was appointed by the President. Yet, the Ghanaian election commission has been strongly de facto independent while the Kenyan commission's independence has remained partisan over the years (Levitsky and Way 2010). In other words, it is possible for election commissions to carve out space for themselves and remain independent from those who appoint the commissioners. It is also not clear that extensive checks and balances in the appointment process will lead to de facto independent election commissions. It is easy to imagine a country that appears to have many groups involved in the appointment process, yet these groups are all beholden to each other in various unobservable ways.[46] That is, there is a system of checks and balances, but there are ways in which the groups involved in creating the checks and balances are in reality colluding. The proxy measure would lead to measurement error because the EMB would not be free of partisan control in the way that Hartlyn et al. theorize.

Mozaffar's measure suffers from the same concern. While Mozaffar is right to point out that EMBs that are clearly part of other institutional structures are unlikely to be independent, it is again not obvious that those that do have separate institutional structures are by definition independent. Again, we know that governments have many other ways of controlling the

[46] For example, in Mozambique, political parties, parliamentary committees, and civil society all participate in the appointment of election commissioners, yet the election commission lacks *de facto* independence. In my study of Kenya's 2013 election this phenomenon also occurred.

behavior of EMBs, even if it appears to that powers are separate in law. Before I discuss my large-n findings, I describe a new dataset I have collected on EMB de facto independence.

4.4 The African Electoral Management Body Dataset (AEMBD)

To quantitatively test whether independent EMBs reduce the risk of electoral violence, I have collected and coded data on the *de facto* independence of election commissions in all national level elections in sub-Saharan Africa from 1990-2010. Rather than attempting to proxy for the independence of election commissions and encounter the measurement problems discussed above, I attempt to measure independence directly by using international organization's elections reports and academic articles written about the elections and the respective EMBs.

To code the *de facto* independence of EMBs in Africa, I adopt a two-pronged strategy. The first strategy is to use international election observer reports as my main source. To identify the universe of observation reports that exist for the years 1990-2004, I relied on Judith Kelley's "Data on International Election Monitoring" (see Kelley 2012). I have coded reports from the National Democratic Institute (NDI), International Republican Institute (IRI), Carter Center (CC), Commonwealth Secretariat (CS), International Foundation for Electoral Systems (IFES), European Union Election Observation Missions (EU), European Parliament Election Observation group (EP), Southern Africa Development Community election observation missions (SADC), The Electoral Institute for Sustainable Democracy in Africa election observation missions (EISD), United Nations election observation missions (UN), and some ad-hoc observation missions.

Some observer groups write pre-election, preliminary post-election, and/or final observation reports. Whenever available, I code the final observation report, but, to maximize the number of sources, I code pre-election and preliminary post-election reports when final reports

were not written. However, as I elaborate below, I also evaluate the quality of each report and weight the quality of the reports to create the final independence score. The total number of elections in sub-Saharan Africa between 1990 and 2010 is 259. To the best of my best knowledge, the total universe of election observation reports is 227, covering 117 elections in 40 states.

The process of collecting election observer data as my only source raises two concerns. First, there is a higher degree of missingness in observation reports than I originally expected. Over 50 percent of elections either had no observation mission, or observers did not publicly release observation reports. Second, there is a possibility that the overall assessment of the election biases the observers' evaluation of EMB independence. In other words, rather than carefully and objectively assessing the independence of the EMB, the observer report assumes that only an independent election commission can organize a credible election (see Kelley 2012 for a related discussion).

In order to address these concerns, I collect and code academic publications to cover as many of the 259 individual elections as possible. I use these academic publications to code EMB independence both for elections where I do not have observation reports, and for elections in which I have observation reports. Since academics do not face the same constraints as election observers, it increases the confidence in my measure of EMB independence if we see a high correlation between academic and observer assessment. In total, I have coded 154 articles, covering 122 elections. Table 2 (below) provides a detailed breakdown of the data. Most importantly there is a high agreement between the two sources on which election commissions are highly independent.

4.4.1 Coding procedures

An undergraduate research assistant and I have coded each election observation report and academic publication twice. First, we both read the reports and identified the relevant passages regarding EMB independence. In the second coding round, we both analyzed the relevant passages again and assigned an independence score based on the source. Following much of the literature on judicial independence, EMB independence was coded as an ordinal variable: high independence, medium independence, or low independence. In addition, we code whether the report indicates that opposition candidates perceived the EMB to be independent and the quality of the report (high, medium, low).

An EMB is coded as having high *de facto* independence if the report indicates that the election commission was able to conduct its work without any interference from the government. Statements such as "we have no reason to believe that the government influenced the election commission or its commissioners"; "we were impressed with the elections commission's ability to organize the election in an impartial manner"; or "there were no signs of government interference in the electoral process"; are the type of statements that were coded as high independence. In addition, we coded elections commissions as having high independence based on a number of reports that discuss the work of the election commission in great detail, but do not say anything about its independence, whether positive or negative. Having read almost 200 election observer reports, it is clear to us that election observers are more likely to discuss problems with independence rather than non-problems. I therefore make the assumption that if observers have analyzed the election commission in detail—as shown through a thorough discussion in its report—but not explicitly discussed its independence, then it is because there were no problems regarding its independence.

An EMB is coded as medium independent if the report indicates that the election commission was able to organize elections with only limited interference from the government. Statements such as "we are reasonably confident the election commission's work was not compromised by government interference"; "though the appointment procedure of election commissioners allows for potential manipulation, we do not believe that the commission's work was compromised"; "government officials attempted to micro- manage the election commission, the election commissioners were reasonably successful in asserting their authority and organized the election in a reasonably free and fair manner"; and "there were a few decisions made over the election period which cast the impartiality of the election commission in an unfavorable light", are used as indicators for a medium independent EMB.

Finally, an EMB is coded as having low independence if the report indicates that the government controlled the EMB, its commissioners, or in some other way made it impossible for the EMB to operate independently. In this instance, we would look for statements such as: "The election commission was clearly supporting the government and was not an independent actor"; "it was apparent that the election commission worked on the governments behalf"; "the election commission was not independent, but did what it could to help the incumbent win the elections". In table 4.1 I show an example of a text passage for each level of independence.

Table 4.1: Examples of EMB independence coding procedure

Level of independence	Text passage	Country and election year	Source
High	"The National Elections Commission (NEC), with the necessary assistance of UNMIL, administered the elections in a professional, transparent and impartial manner."	Liberia 2005	EU
Medium	"The impartiality, independence and effectiveness of election administrators are	Nigeria 2007	NDI

	critical to a credible and democratic electoral process. Actions taken by INEC in the lead-up to the elections generated concerns over INEC's preparedness, independence and impartiality, and prospects for a transparent process."		
Low	Since the CNE majority was from Frelimo, decisions that were put to the vote invariably went Frelimo's way. In our view, both the structure of CNE and the way it operated in practice meant that independence was lacking."	Mozambique 2004	CWS

Many election observation reports discuss the degree to which opposition members complained about the EMB's independence, but we take great care to avoid coding EMB independence based on what the opposition publicly states.[47] Rather, we have coded this as a separate variable. For example, in their report on the 1996 election in Ghana, the Commonwealth Observer Group writes:

> While we heard a number of allegations concerning alleged bias, we give no credence to such suggestions. We acknowledge, however, that some political parties and/or individuals may not have entirely understood the complex procedures for registration of candidates, and we believe there is room for further improvement in this area. Although we saw no evidence that the present arrangements in any way compromised the impartiality of the Electoral Commission, we noted some opinions expressed to us that the Commission should be free to take independent legal counsel (p. 27).

Based on this passage we coded the election commission to be highly independent, while also acknowledging that the opposition claimed that the election commission was biased. While I currently do not model opposition concerns about independence, this variable can be used for future analysis.

Finally, we have assessed the quality of the information in each observation report. We based this assessment on both the evidence that the report presents on independence or lack of

[47] As Hyde and Marinov (2014) note, there is a large literature that discusses "sore loser syndrome" as a face-saving mechanism.

independence, and the overall quality of the report. Each coder has evaluated the quality of the information as high, medium, or low.

Using all the observation reports and academic reports for each election, we have created a cumulative independence score. For elections where we only have one source for *de facto* independence, the cumulative score will equal the score of this source, irrespective of the quality of the source. If there are several sources and these differ, each report will be weighted according to the quality of the report. The result is a variable that will range from 1 (low independence) to 3 (high independence).

4.4.2 Descriptive statistics

I argued above that measures of EMB legal autonomy (*de jure* independence) are likely to overestimate the level of autonomy or independence. A comparison of Mozaffar's coding of legal autonomy versus my *de facto* independence score confirms my concern.

As we can see from table 4.2, there are significant differences in *de jure* and *de facto* independence of EMBs. Whether I examine compare Mozaffar's coding to my coding in 1998 or whether I compare Mozaffar's coding to my full sample, it is clear that relying on legal autonomy is likely to overestimate the level *de facto* independence.

*Table 4.2: De jure vs. De facto EMB independence**

	Low independence	Medium independence	High Independence
Mozaffar (Year=1998)	20% (n=8)	29% (n=12)	51% (n=21)
AEMBID (1998 or closest election)**	25% (n=8)	38% (n=12)	35% (n=11)
AEMBID (full sample)	31% (n=59)	35% (n=68)	34% (n=65)

* Each cell represents the number of EMBs coded according to each category.
**We have coded de facto EMB independence in election years. The coding of here is based on the closest election within four years before or prior to 1998.

If we compare the coding based on international election observer reports and academic articles, we see that there is a great deal of overlap between them. Table 4.3 shows that most importantly there is a high agreement between the two sources on which election commissions are highly independent. There is more disagreement on whether election commissions have medium or low independence.

Table 4.3: EMB independence scores

EMB independence	Election observation reports	Articles	All sources combined and weighted
High	64 (37%)	57 (37%)	65 (34%)
Medium	71 (41%)	36 (23%)	68 (35%)
Low	37 (22%)	61 (40%)	59 (31%)

4.5 EMB independence and electoral violence in sub-Saharan Africa 1990-2010

To test hypothesis three and the observable implications I run a series of logistic regressions. As in chapter two and three, the unit of observation are all elections in sub-Saharan Africa between 1990 and 2010. The dependent variable is the same as in chapter two and three, that is, physical violence and coercive intimidation directed toward members of a distinct "other" group or government authorities, and that is "directly tied to an impending electoral contest or an announced electoral result" (Straus and Taylor 2012; 19). I also include the same control variables as in the prior analysis. In addition to these variables, I include the key independent variable for this chapter: EMB independence. It is important to point out that hypothesis three suggests a conditional relationship. In other words, I do not only control for EMB independence, rather I include a three-way interaction between ethno-political exclusion, competitive elections, and EMB independence. In addition to the three-way interaction, I include two additional models where I interact EMB independence with ethno-political exclusion and competitive elections separately. I present the findings in table 4.4.

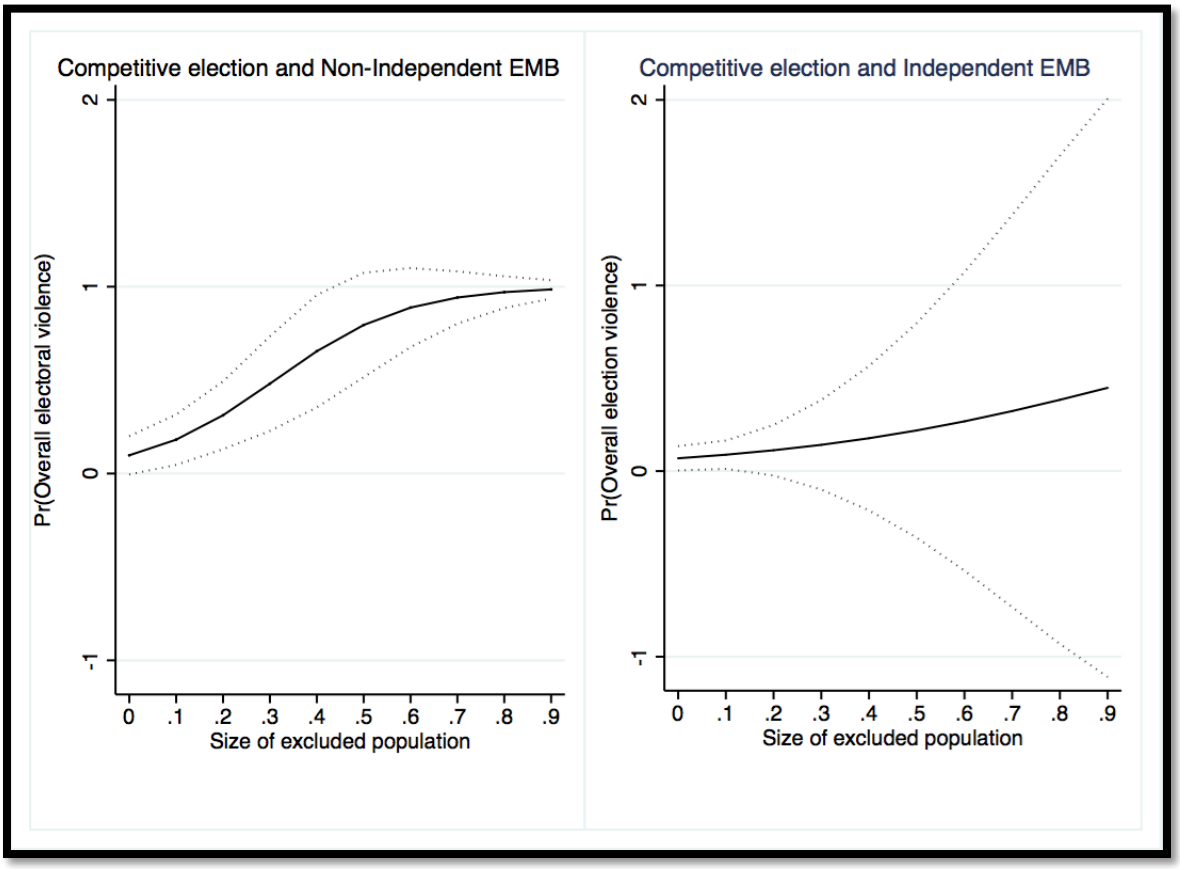
*Table 4.4 Logistic regression Ethno-political exclusion*Competitive elections*EMBs*

	Model 1 Overall violence	Model 2 Overall violence	Model 3 Overall violence
Ethnic Exclusion* Competition*EMB	-4.50 (4.50)		
Ethnic exclusion*Competition	7.16 (2.35)***		
Ethnic exclusion*EMB		-2.26 (4.60)	
Competition*EMB			0.91 (1.11)
Ethnic exclusion		4.00** (2.00)	3.41** (1.62)
Competition			0.29 (0.65)
EMB Independence	-0.38 (0.70)	-0.33 (0.72)	-1.48** (0.67)
Int. denunciation	2.41*** (0.81)	1.87** (0.78)	1.63* (0.92)
Majoritarian	0.58 (0.68)	0.80 (0.77)	0.83 (0.92)
Presidential system	-0.61 (0.85)	-1.05 (0.82)	-1.12 (0.91)
Democracy_lag	0.05 (0.06)	0.03 (0.05)	0.03 (0.05)
Conflict	1.64** (0.78)	1.50** (0.76)	1.23 (0.79)
Non-election protests	0.55 (0.56)	0.77 (0.56)	0.80 (0.63)
Last election violent	0.44 (0.57)	0.59 (0.53)	0.59 (0.56)
Population_ln	0.93*** (0.38)	0.77** (0.35)	0.72** (0.32)
GDP per cap_ln_lag	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)
Ethnic fractionalization	-3.70*** (1.35)	-2.19 (1.61)	-2.62 (1.97)
Constant	-15.56 (5.96)***	14.97** (5.70)	12.58** (5.11)
N	160	160	160
Clusters	39	39	39
AIC	137.01	147.74	146.81

Country-clustered robust standard error in parentheses, ***p > .01, **p > .05, *p > .1

Model 1 in table 4.4 is the main model in this chapter. The first row of the table shows the coefficient for the interaction effect of EMB independence, ethno-political exclusion, and competitive elections. As it is very difficult to interpret the substantive effect of a triple interaction by the coefficient, I present two marginal effects plots below. The left panel shows the risk of electoral violence as the size of the excluded population increases when the election is competitive and the EMB lacks independence. The right panel shows the same, except here the EMB is independent.

*Figure 4.1 Marginal effects: Ethno-political Exclusion-Competitive elections-EMB**



*Dotted line represents 95% confidence interval.

The left panel shows how the risk of electoral violence increases as the size of the excluded population increases when the election is competitive and the EMB lacks independence. As we

can see from the figure the risk of violence increases significantly at the size of the excluded population increases. To be exact, the risk of electoral violence is 18 percent when 20 percent of the population is excluded, and this increases to 40 percent when 40 percent of the population is excluded. When 60 percent of the population is excluded from power, the risk of electoral violence is 79 percent. As we see from the right panel in figure 4.5, when election commissions are independent the confidence interval crosses zero indicating that we can no longer, with statistical certainty, say that ethnic exclusion and competitive elections increases the risk of electoral violence at all.

We can see from model 1 that including EMBs in the model does not change the other variables, compared to earlier models, to any significant degree. International denunciation remains positive and statistically significant. Armed conflict, as expected, increases the risk of violence, as does population size. As in earlier models, the coefficient for ethnic fractionalization is negative and statistically significant. None of the remaining variables are statistically significant.

In models two and three, I assess the conditional relationship between ethno-political exclusion and EMB independence, and competitive elections and EMB independence respectively. These tests allow me to gauge whether independent EMBs also reduce the risk of electoral violence under different conditions from that of model 1. To better illustrate the results I present the findings in figures 4.6 and 4.7.

*Figure 4.2 Marginal effects ethnic exclusion*EMB independence*

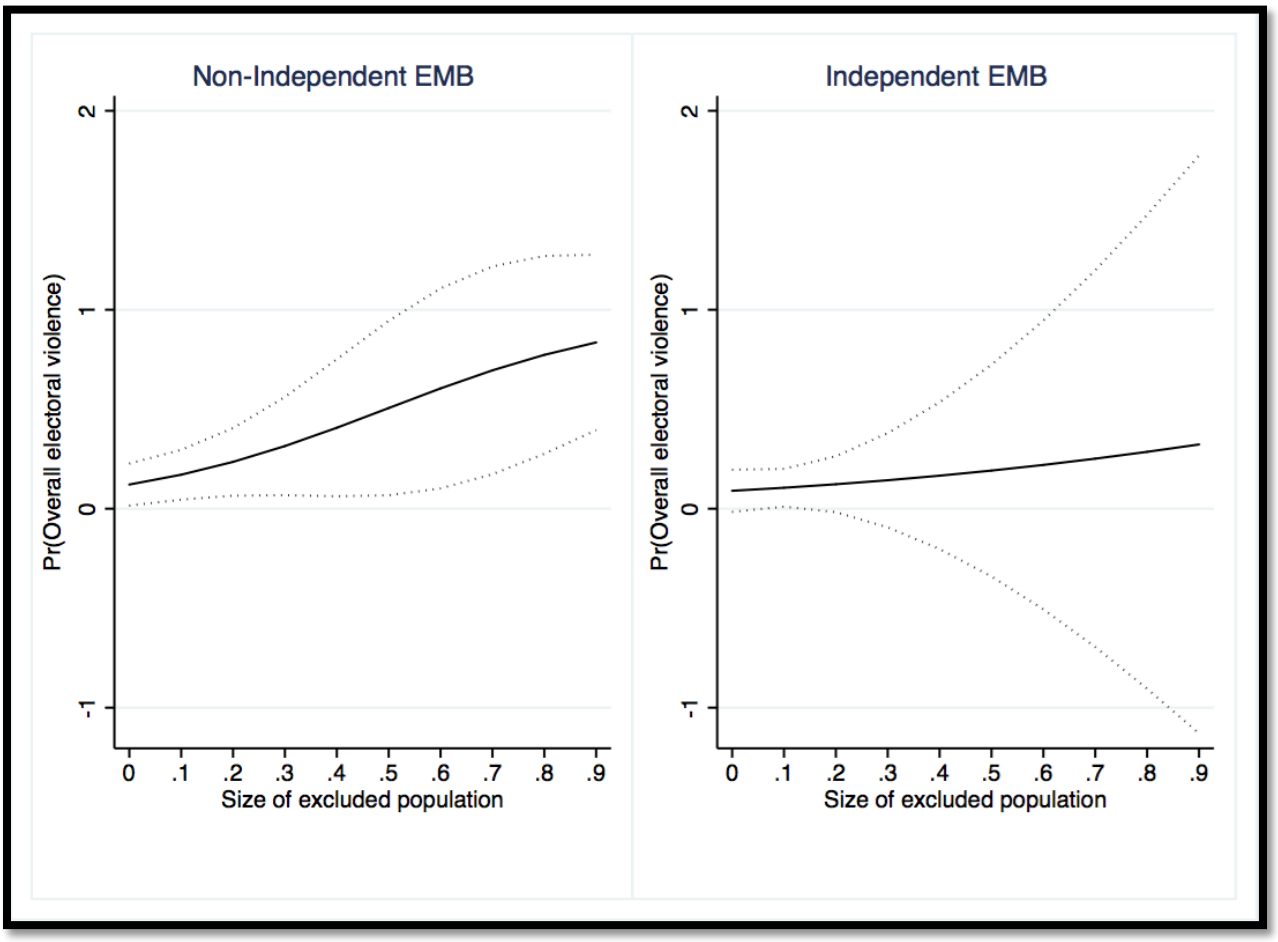


Figure 4.6 shows the conditional relationship between ethno-political exclusion and EMB independence. In the left panel, the EMB is NOT independent and we se that the risk of electoral violence increase as the size of the excluded population increases. In the right panel, the EMB is independent, and here we see that, not only does the risk of violence increase at a much lower rate (see the slope of the line), but the confidence interval crosses zero at all levels of ethno-political exclusion. In other words, when the EMB is independent, we cannot, with statistical certainty, say that ethno-political exclusion increases the risk of electoral violence.

Figure 4.3 Marginal effects plot independent vs. non-independent EMBs

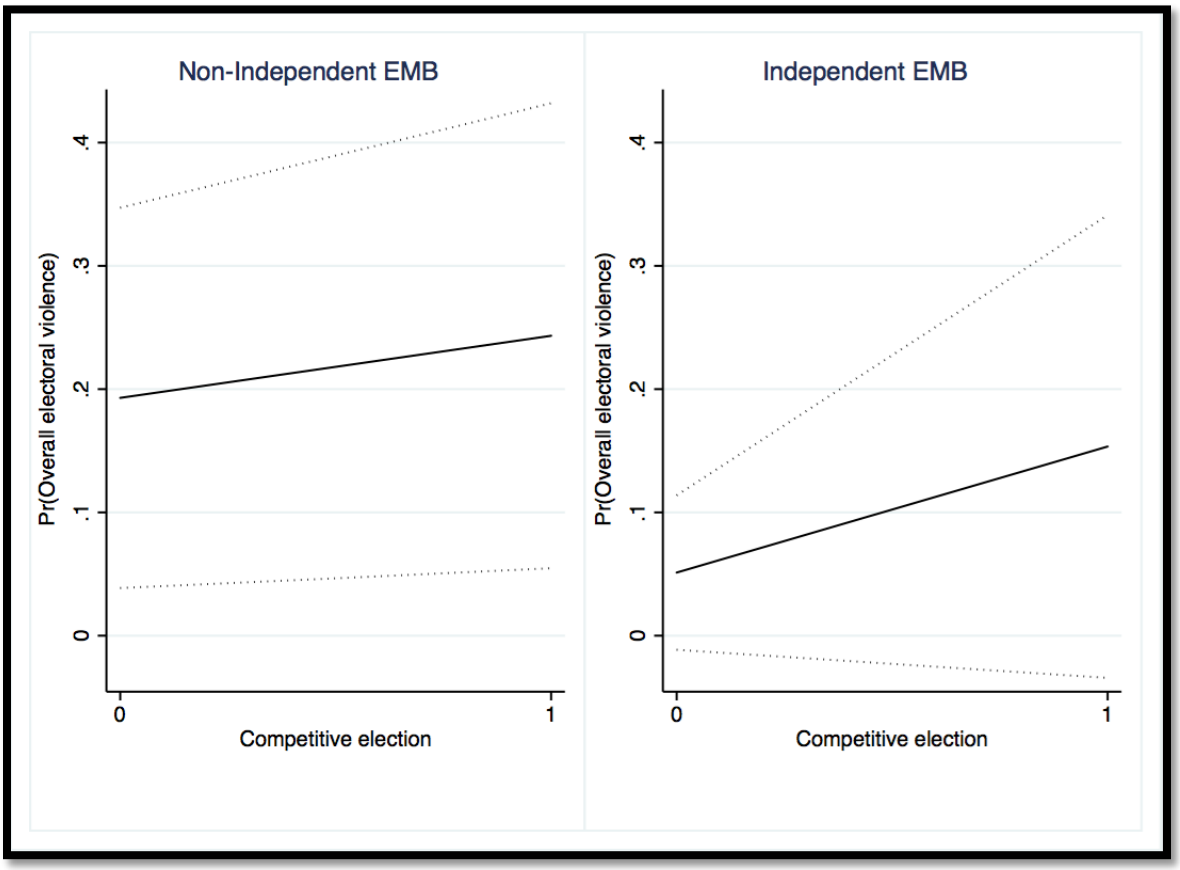


Figure 4.7 shows the conditional relationship between competitive elections and EMB independence. Just as with ethno-political exclusion and EMB independence, figure 4.7 shows that when the EMB is independent we cannot, with statistical certainty, say that competitive elections increase the risk of electoral violence. If we compare figure 4.6 and figure 4.7 to figure 4.5, we can also see that ethno-political exclusion is driving the conditional relationships. This indicates that, even though a competitive election is a risk factor, ethno-political exclusion increases the risk more than competitive elections, *cetris paribus.*

4.5.1 Observable Implications

The statistical results corroborate the argument that independent election commissions mitigate the risk ethnic exclusion and competitive elections have on electoral violence. However, these results say little about the causal mechanisms that account for the relationship between EMB independence and electoral violence. As discussed above, the argument is that independent EMBs can extend the time horizons of the political actors, and thus reduce the incentives to cheat because an independent EMB is not beholden to any of the political actors competing in an election. Additionally, independent EMBs make it harder for the candidates to cheat, even if they want to, since candidates, especially the incumbent, have less control over the electoral process. Thus far, I have shown that independent EMBs mitigate the risk of violence when risk factors are present, but to test whether the causal mechanisms operate as argued, I also test the observable implications of the argument. The main observable implication from this argument is that independent EMBs should both increase the quality of elections and reducing cheating.

To test whether independent EMBs reduce cheating and increase the overall quality of elections I run a series of additional models. As the dependent variable I use three variables from Judith Kelley's (2012) dataset "Quality of Elections Data" (QED). In addition to pre-election and election day cheating (see chapter 3, for a description of these variables), I also use a variable that measures "overall election quality". The "overall election quality" variable "captures whether the State Department report, notwithstanding, the level of problems, considered the election acceptable" (Kelley 2012).

To test whether EMB independence decreases electoral fraud and increase the overall quality of elections, I use the same model as I did in chapter 3, except I also control for EMB independence. In model 4, the dependent variable is pre-election cheating, in model 5 the

dependent variable is election day cheating, and in model 6 the dependent variable is overall election quality. I report the results in table 5.5.

Table 4.5 Logistic regression, pre and election day cheating and overall election quality

	Model 4 Pre-election cheating	**Model 5 Election day cheating**	**Model 6 Overall election quality**
EMB Independence	-0.65	-2.32***	1.94***
	(.50)	(0.69)	(0.62)
Ethnic Exclusion	2.91**	4.78**	-2.86
	(1.43)	(2.13)	(2.32)
Competitive election	-0.46	-0.65	0.84
	(0.50)	(0.66)	(0.57)
International	0.09	0.90	-0.64
Observers	(0.45)	(0.60)	(0.52)
Majoritarian	0.77	1.21**	-0.61
	(0.47)	(0.51)	(051)
Democracy	-0.08*	-0.09*	0.19***
	(0.04)	(0.05)	(0.04)
GDP per capita	0.00	0.00	0.00
	(0.00)	(0.00)	(0.00)
International aid	0.00	0.00	0.00
	(0.00)	(0.00)	(0.00)
Presidential system	0.24	0.01	-0.34
	(0.68)	(0.70)	(0.54)
Constant			
N	164	161	166
Clusters	40	40	40
AIC	211.24	161.13	167.66

Country-clustered robust standard error in parentheses, ***p > .01, **p > .05, *p > .1

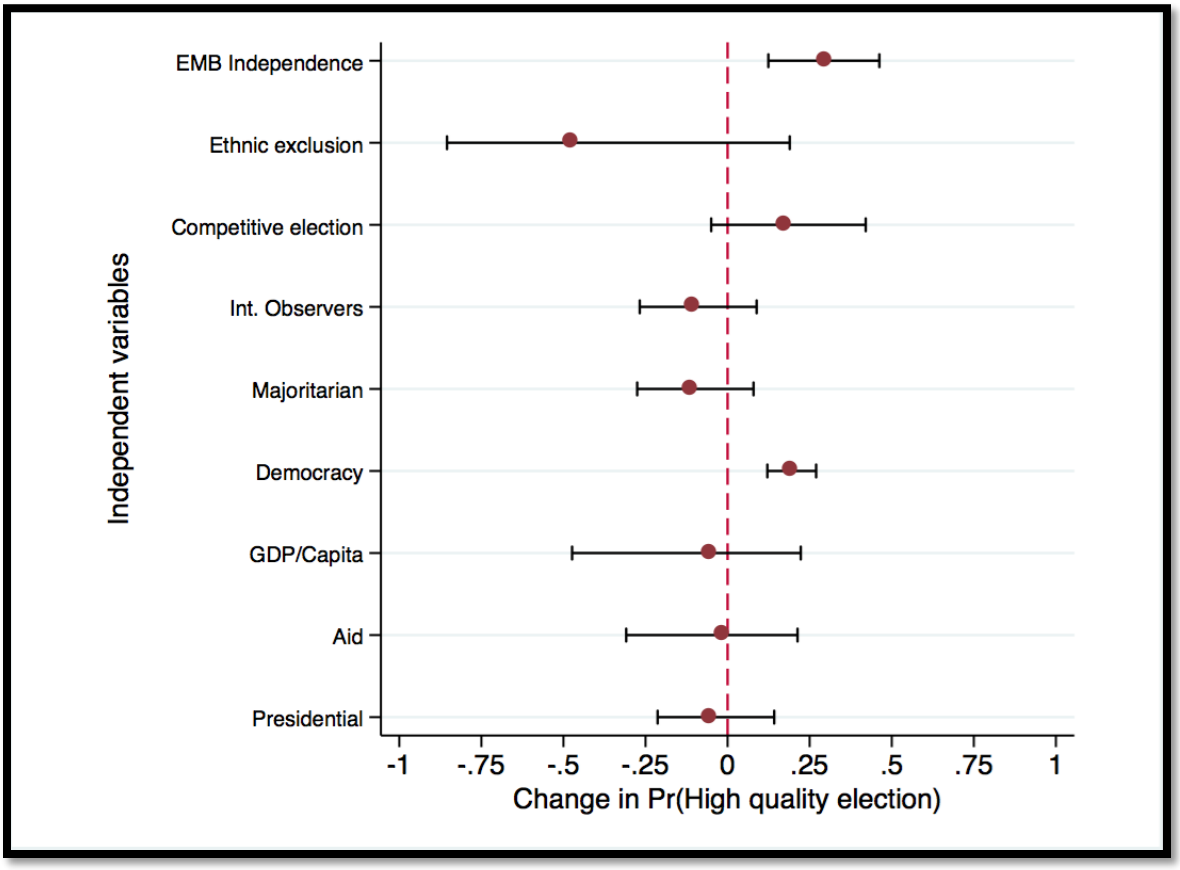
While the regression results strongly support the argument that independent EMBs reduce election day cheating and increase the overall quality of the elections, independent EMBs do not reduce the risk of pre-election cheating. The most likely reason for this is the way in which the pre-election cheating variable is coded. In her coding, Kelley includes issues such as improper use of public funds and restrictions and misuse of the media. These are issues that electoral management bodies, even if independent, might have a difficulty in controlling in the

months leading up to an election. Models 5 and 6 show a strong relationship between EMB independence and election day cheating and the overall quality of election.

To better illustrate the results, Figure 4.8 presents a more substantive picture of the relationship between EMB independence and overall quality of elections (Model 6). The figure displays the predicted probabilities of an unacceptable election when each variable in Model 6 moves from its mean to its maximum values, holding all other variables constant.[48] In substantive terms, an independent election commission increases the likelihood that an election is acceptable by 29% as compared to an election commission that lacks independence, all things equal.[49]

[48] Binary variables are changed from their minimum to maximum values.
[49] These probabilities were calculated using the Clarify program in STATA, and were each run with one thousand groups of simulated parameters. The dots represent point estimates and the lines, 95% confidence intervals (see King et al. 2000)

Figure 4.4 Predicted probabilities: Overall election quality



Models 5 and model 6 shows that independent EMBs reduce cheating and improve the overall quality of elections. Taken together with the finding in chapter three—that election fraud increases the risk of electoral violence (see Models 8 and 9 in chapter 3)—the statistical tests presented in this chapter provide strong empirical support for the argument presented in this chapter. However, the quantitative evidence does not provide any evidence for whether independent EMBs increase political elites' time horizon and increase their trust in the process and their ability to contest an election in future, even if they lose the election today. To examine these mechanisms further, I conduct a series of case studies of elections that did not experience

electoral violence, and compare these cases to Kenya's very violent 2007 election. These cases are the 2000 and 2008 elections in Ghana and the 2007 and 2013 elections in Kenya.

4.6 The role of independent election commissions in Ghana and Kenya's elections

To further test the third hypothesis, I analyze Ghana's 2000 and 2008 elections, as well as Kenya's 2007 and 2013 elections. All these elections took place in states with legacies of ethno-political exclusion, and were highly competitive affairs that many analysts feared could turn violent. By selecting so-called "negative" cases—that is, cases in which violence did not take place, I follow the logic of the "possibility principle" (Mahoney and Goertz 2004). The "possibility principle" seeks to understand what was commonly different among the non-violence cases from what was commonly present among the violence cases.

In order to leverage relevant insights from the Ghanaian cases, it is necessary that Ghana resemble Kenya in several respects. As in Kenya, ethnicity and ethnic chauvinism has been a key part of the Ghanaian election campaigns. The 2000 and 2008 elections were also very competitive, and the main candidates both believed they were likely to win the election. In addition to sharing these two important characteristics, Ghana also has a first-past-the-post electoral system, has a presidential system, and international observers were present at the 2000 and 2008 elections. Since Ghana is similar to Kenya in these key respects, the 2000 and 2008 elections in Ghana allows me to explore what additional variable(s) might account for the negative outcome (non-violence) during the elections.

As I showed in the quantitative analysis above, independent EMBs can mitigate the risk of electoral violence, even in states with ethno-political exclusion and competitive elections. Below, I will show that the Ghanaian election commission played a critical role in the candidates' decision to compete for power without resorting to fraud or violence.

The remainder of the chapter is organized as follows: First, I briefly give a historical overview of the political development in Ghana since independence until the 2000 election. In this section, I also discuss the role ethnicity has played, and the degree to which ethnic exclusion has taken place. In the second section, I briefly discuss the 2000 election, and show how the election commission operated independently from the government. In the third section I analyze the 2008 election in the same way as the 2000 election. In section four, I return to Kenya and analyze the development of the Kenya's new election commission in 2012 and its impact on the peaceful election in Kenya in 2013. I summarize the finding of the chapter in section five.

4.6.1 Ghana's political history 1957 to 2000

Ghana, a former British colony, was the first state in sub-Saharan Africa to achieve independence from colonial rule in 1957. At independence, Ghana had a liberal democratic constitution, with an independent judiciary, free speech, opposition parties, and regularly scheduled elections. However, the first President of Ghana, Kwame Nkrumah, quickly changed the 1957 constitution, curtailed civil liberties, and made his party the Convention People's Party the sole legal party (Gyimah-Boadi 1994, 76). Nkrumah was ousted in a coup in 1967, and after two years of military rule a new civilian regime, led by Prime Minister Kofi Busia, was elected in 1969. Busia was overthrown in another coup in 1972. Between 1972 and 1979, Ghana was led by succession of military officers. In June 1979, Flight Lieutenant Jerry Rawlings took power with the intent to draw up a new constitution and hand over power to a civilian regime. On September 24, 1979 Ghana held its first multiparty election in 20 years and Hilla Limann of the People's National Party won the Presidency. Two years after election, Jerry Rawlings led another coup and overthrew Limann.

Rawlings established the Provisional National Defense Council (PNDC) on December 31, 1981 and led an increasingly repressive regime until the end of the 1980s. Just as in Kenya (see chapter 2), the end of the Cold War increased international and domestic pressure on Rawlings, and in April 1992, Ghana held a constitutional referendum. The draft constitution was Ghana's fourth attempt at establishing a liberal democratic regime that guaranteed civil liberties, an independent judiciary and multiparty elections. The constitution was overwhelmingly approved and presidential elections were scheduled for November 1992.

Jerry Rawlings transformed the PNDC into a political party, the National Democratic Congress (NDC) and won a clear majority in the 1992 election. Though the election took place without any significant violence, the main opposition party, the New Patriotic Party, claimed that the election was rigged and boycotted the December 1992 Parliamentary elections. Rawlings now controlled both the Presidency and the parliament. Four years later, Jerry Rawlings once again won a non-competitive and peaceful presidential and parliamentary election.

The 1992 Constitution limited the President to two four-year terms, and thus Rawlings could not compete in the 2000 election. Rawlings appointed his Vice President John Atta Mills as the NDC flag bearer, but remained the leader of the party as the 2000 election campaign took place. Prior to the 2000 election, there was widespread fear that the election would turn violent and that Ghana's path towards democratic consolidation would stall. However, as I detail below, the election commission had since 1996 ensured that they were perceived as an independent commission, and John Atta Mills conceded defeat after a second election round on December 28, 2000.

4.6.2 Ethnic relations in Ghana

Ghana is multiethnic state with about 60 different ethnic groups, whereof the four largest groups, the Akan (49.1%), Mole-Dagbon (16.6%), Ewe (12.7%), and Ga-Dangme (8%), compromise about 86 per cent of the population (Langer 2008). Ghana is divided into 10 administrative regions (see Figure 4.9), and though most regions are multi-ethnic, the different ethnic groups are clearly dominant in their own "home" region (see Table 4.6).

Figure 4.5 Administrative Regions of Ghana

As we can see from Table 4.6, the Akan ethnic group dominates the Western, Central, Ashanti, and Brong Ahafo regions, but it is important to point out the Akan ethnic group is made up of many smaller groups who have a history of antagonism against each other, in particular between the Ashanti and the Fante sub-groups. Of the other groups we can see that the Ewe group dominates the Volta region, while the Mole-Dagbon dominates the three regions in northern Ghana.

*Table 4.6 Ethnic composition of Ghana's regions in 2000 (in percentage)**

	Akan	Ewe	Ga-Dangme	Mole-Dagbon	Other	Total
Western	78.3	5.9	3.5	7.6	4.6	100
Central	82	4.8	2.3	1.6	9.3	100
Greater Accra	39.8	18	29.7	5.1	7.5	100
Volta	8.5	68.5	2.0	1.4	19.6	100
Eastern	52.1	15.9	18.9	3.1	10	100
Ashanti	77.9	3.2	1.4	9.0	8.6	100
Brong Ahafo	62.7	3.4	1.9	15.4	16.5	100
Northern	10	1.9	0.5	52.2	35.3	100
Upper East	2.3	0.2	0.5	74.5	22.6	100
Upper West	3.2	0.2	0.5	75.7	20.3	100
Total Ghana	49.1	12.7	8.0	16.6	13.7	

*Source: 2000 Ghana housing and population census.

There are also significant group inequalities in Ghana. According to Langer (2008), there is a serious development divide between the northern and southern regions, and thus between groups such as the Akan who primarily lives in the South and the Mole-Dagbon who lives in the North. Østby et al (2009), who identify regional inequalities based on Demographic and Health Surveys, find that there are significant inequalities between the Volta region and the Greater Accra, Ashanti, and Eastern regions. The regional inequalities between the Volta region and the other regions is particularly interesting as the main political divide in Ghana has been between Ewe's, who lives primarily in the Volta region, and Akans, who live primarily in the other regions.

The feud between the Akans (Ashanti) and the Ewe has a relatively long history. Kwame Nkrumah's early governments were largely ethnically balanced, but in 1965, Nkrumah appointed 13 Akans as ministers and no Ewes (Asante and Gyimah-Boadi 2004, 70). When Kofi Busia came to power after the 1969 election, he too appointed a large majority of Akan ministers (14 of 19) and no Ewe was represented in his government (ibid). The absence of Ewes from Busia's cabinet led non-Akans, and especially the Ewe, to complain against Busia that he was an Akan president only (ibid). The belief that Busia was mostly concerned with the Akans also led to charges that the governments rural development program was biased against the Volta region and the Ewe (Smock et al. 1975, 248, cited in Asante and Gyimah-Boadi 2004). The perception that Busia was pro-Akan and anti-Ewe became even stronger as Busia began to remove senior Ewe officers from the armed forces and the civil service (ibid).

Jerry Rawlings, whose father is from Scotland and mother is an Ewe, is considered an Ewe. Rawlings' PNDC maintained a reasonable ethnic balance on his ruling council. However, there was a strong perception, especially among the Akan, that Rawlings was ruling Ghana through an Ewe cabal. Albert Adu Boahen, a history professor and ultimately a presidential candidate in 1992, made the accusation most forcefully during a public lecture in Accra in 1988. In his lecture Boahen said:

> Is it not strange and rather unfortunate that the Head of State, the head of National security, the head of the police service, the head of the army, the acting Governor of the Bank of Ghana and the head of the National Investment Bank, and I am sure there are others all happen to belong to a single ethnic group, or at least come from a single region of the country? Please note that I am not attacking the personalities themselves. I have nothing against them as persons some of whom I know personally and some of who are friends of mine. But whether Rawlings is aware of this or not, this situation is giving the unfortunate impression that the country is being dominated and ruled by that single ethnic group, and this impression is causing such anger and irritation that in the interest of national reconciliation and peace, measures should be taking to rectify the situation. What is happening at the Bank of Ghana is particularly provoking and should be

> corrected as soon as possible (Boahen 1989, 53, cited in Asante and Gyimah-Boadi 1994).

In sum, ethnic marginalization both real and perceived has a long history in Ghana, just as in Kenya. The antagonistic relationship between the Ewe and Akan (especially the Ashanti sub-group) ethnic groups is also very apparent in the 1992 and 1996 election results. Neither the Ewe nor the Akan sub-group Ashanti are large enough to win a majority of votes by relying exclusively on their own ethnic group and thus, just as in Kenya, politicians need to appeal to other voters, either through ethnic or other appeals. Even so, in the 1992 and 1996, there are clear signs of ethnic block voting, in particular amongst the Ewe and Ashanti.

Jerry Rawlings won the 1992 election with a clear margin. Rawlings received 58.4 percent of the vote, while Boahen received 30.3 percent of the vote. Rawlings received over 50 percent in every region except for Ashanti region where is only received 33 percent. However, in Volta region, the home region of the Ewe, Rawlings received 93.3 percent of the votes. Boahen on the other hand only received 3.6 percent of the votes in Volta, while he got 60.5 percent in Ashanti region. In the other regions Boahen got between 10 and 38.5 percent of the votes (Jefferies and Thomas 1993, 355).

The 1996 election results were very similar to the 1992 results. In 1996, Rawlings ran again as the incumbent, but this time his main opponent was John Kufour, an Ashanti from the Ashanti region. As in 1996 Rawlings received more than 50 percent in every region except the Ashanti region where he received 32.8 percent. In Volta he received 94.5 percent, even more than in 1992. Kufour on the other hand, received only 4.7 percent in Volta, while he received 65.8 percent in his home region Ashanti. In the other regions, Kufour got between 11.2 and 45

percent. Overall Rawlings won the election with 57.4 percent of the votes, while Kufour got 39.6 percent of the votes (Jeffries 1998).

The 1992 and 1996 election results confirms that both the Ashanti and the Ewe largely votes according to ethnicity, while other groups split their votes amongst the candidates. At a basic level the results indicate that NPP (Kufour and Boahen's party) is an Asante party, while NDC (Rawlings' party) is an Ewe party (Fridy 2007, 285).

4.6.3 Ghana's 2000 election

The presidential and parliamentary election of December 2000 was a watershed moment in Ghana's political history. For the first time in Ghana's history a peaceful change in the political leadership had taken place. Between 1996 and 2000 Ghana's election commission had convinced the political parties that it was independent, and it had put in place rules and regulations that ensured that the elections would be free and fair. In his speech when he conceded defeat, John Atta Mills said: "Irrespective of reports of violence, intimidation, harassment and other irregularities, the elections were generally free, fair and transparent (Ayee 2001, 12). With an independent election commission and strong electoral rules, the losing candidate and his party acknowledged defeat and prepared for the 2004 election.

The December 2000 presidential and parliamentary elections marked the end of Jerry Rawlings tenure as President of Ghana. Rawlings served as President under the PNDC regime between 1981 and 1992, before he was elected as President in 1992, and then re-elected in 1996. The 1992 and 1996 elections showed that Ghana had become a strong two-party state, and in 2000 the two main candidates for president were John Atta Mills, a Fante from NDC, and John

Kufour, an Asante from NPP. Mills had served as Rawling's Vice-President since 1996, while Kufour had lost the 1996 election as NPP's presidential candidate.

As the elections approached, there was widespread fear that the election would be mired in violence, and experts, as well as voters, worried whether the elections would be free and fair, and whether the losing candidate would accept the results and concede defeat (Gyimah-Boadi 2001, 104; see also Nugent 2001, 405). However, despite a heated campaign with strong ethnic overtures, the election was peaceful and considered a great success, and John Atta Mills conceded and congratulated John Kufour on his victory after the second election round. How, despite the widespread fear of a fraudulent and violent election, did the election remain relatively free of fraud and violence? What role did the election commission play in the successful elections? Did the candidates perceive the election commission to be independent? And to what degree did the successful elections influence the time horizons of the candidates?

The 1992 Constitution specifies that to win the presidential election a candidate needs to receive 50 percent plus one vote. If no candidate crosses the threshold in the first election round, a second election round will be held between the two top vote getters. The first round in the 2000 election was held on December 7, and John Kufour won 48.17 percent of the votes, while Mills received 44.5 percent. The fact that none of the candidates received more than 50 percent meant that a second election round was scheduled for December 28, 2000. While the first round had been tense, it had also remained peaceful, but the prospects of a NDC loss led the incumbent regime rely even more on ethnic appeals than had done in the first round (Gyimah-Boadi 2001).

Prior to the second round, John Kufour and the NPP convinced all the smaller parties to join NPP in forming an electoral alliance against the NDC and John Atta Mills.[50] To counter the opposition alliance, NDC turned to ethnic chauvinism in order to mobilize its voters (Gyimah-

[50] Ghanaian politics was dominated by NPP and NDC, but an additional 7 parties competed in the election.

Boadi 2001 and Frempong 2001). At rallies in Western and Central regions, NDC criticized voters who voted for Kufour, rather than their "native son" Mills.[51] They called on local chiefs and voters to "wisen up" and vote for one of their own in the second round (Gyimah-Boadi 2001, 108). To spread the word of the importance of ethnicity, NDC billboards in Central Region bore the slogan "Adze wo fie a Oye", a Fante expression for "it is better to have your own". These ethnic appeals "sought to present Mills as a Fante whom all Fantes should vote without factoring in other issues of national development" (Frempong 2001, 149).

The NDC also used ethnic appeals in other regions. In the Greater-Accra region, NDC officials sought out non-Asante voters, warning them "that a vote for NPP would open the floodgates for Asantes and other non-indigenes to take over Accra lands"(Gyimah-Boadi 2001, 108).[52] In the Northern regions (Northern, Upper West and Upper East) and in Volta, NDC used fear to mobilize voters by alleging that NPP supporters had attacked non-Asante people in Ashanti and Brong Ahafo regions (ibid). These ethnic appeals increased tensions before the second round, but ultimately they did not help Mills.

The second round of the election took place on December 28, 2000. Kufour won 56.9 percent of the vote, while Mills received 43.1 percent. Compared to the 1992 and 1996 elections, Kufour improved his vote total in all regions, and he captured the majority of votes in Brong Ahafo, Central, Western, Ashanti, Greater Accra, and Eastern regions. Similarly to the 1992 and 1996 elections he won a large majority in Ashanti region (80.5 percent) and he only received 10.8 percent of the votes in Volta. Mills on the other hand, won the majority of votes in the Northern regions and maintained a strong majority in Volta (89.2 percent).

[51] Recall that Fante and Asante are both sub-groups of the Akan group, but the two sub-groups have had a contentious relationship over the years. Fantes make up the majority of people in Central and Western regions, and Mills himself was from Central region.

[52] The focus on ethnicity and land in Ghana is similar to the appeals Kalenjin leaders made in Kenya in 1992 and 1997.

Most observers and contestants saw the election process as a success. In particular, analysts were very impressed with the Election Commission of Ghana. As Smith (2002) writes, "despite the lingering suspicions of fraud in some regions during the 2000 elections, the election commission was viewed by virtually all stakeholders as a credible independent agency that operated autonomously from the NDC-controlled government" (Smith 2002, 645; see Frempong 2001; Debrah 2011 and Ayee 2002). The fact that the electoral process was seen as free and fair, and without significant fraud, made it basically impossible for Mills to challenge the results and refrain from conceding the election after the second round. How did the election commission succeed in convincing the stakeholders that it was independent, and how did it ensure that the parties refrained from cheating?

The Electoral Commission of Ghana was created after the 1992 Constitution that came into effect on January 1, 1993. Articles 43, 44, and 45 of the 1992 Constitution established the commission and specified who could serve as election commissioners, and its functions. The Electoral Commission Act of 1993, further specifies the role of the commission and its independence. The Electoral Commission of Ghana is by law independent from any government interference. Article 3 of the Electoral Commission Act states that "Except as provided in the Constitution or in any other law not inconsistent with the Constitution, in the performance of its functions, the electoral Commission shall not be subject to the direction or control of any person or authority" (Electoral Commission Act, Article 3, 1993). The legal framework provides, at a minimum, the Electoral Commission of Ghana with *de jure* independence. However, as I discussed above, *de jure* independence does not guarantee *de facto* independence. Yet, by 2000 most observers and stakeholders viewed the election commission as *de facto* independent as well. How did the commission convince the stakeholders of its independence?

The Election Commission of Ghana has taken several steps to convince the political parties of its independence and increase the party's trust in the electoral process. Prior to the 1996 election the commission invited the parties to participate in the Inter-Party Advisory Committee (IPAC). The commission has since 1996 made decisions that were opposed by the incumbent regime, and it has enacted policies in order to ensure that the entire electoral process is transparent. The commission has also encouraged domestic and international organizations, as well as the political parties to systematically observe the entire electoral process.

Prior to the 1996 election, in an effort to build trust among the parties and towards the commission itself, the election commission invited all political parties to take part in the Inter-Party Advisory Committee (IPAC). With IPAC, the commission had two goals: First, to diffuse conflict and build trust between the opposition and the government, and second, to forge consensus on the rules of the electoral commission (Debrah 2011, 37). Several positive measures were agreed upon during IPAC meetings. For example, prior to the 1996 election, the government agreed to make vehicles available to opposition parties. An agreement about free airtime on national television for all political parties was also made through IPAC meetings. Directly related to the electoral process, the parties encouraged the electoral commission to move from non-transparent to transparent ballot boxes (Debrah 2011). In sum,

> The IPAC was the main platform where the unfair rules of the game were redefined. Dialogue, reconciliation and accommodation of opposing views were the salient principles that directed agreement on the rules of the game. This approach helped to transform the opposition parties from their intransigent position of non-cooperation to active participants in the electoral process (Debrah 2011, 38; see also Frempong 2008; Gyimah-Boadi 1999 and Ayee 2002 for similar views).

It is not only scholars that have pointed to the importance of IPAC in ensuring a level of trust between the parties and the election commission, and agreement of the electoral rules. In my interviews of officials from both NPP and NDC, they uniformly expressed that IPAC have had a

positive impact on the electoral process.[53] This is perhaps best illustrated by a former Secretary General of NDC who told me that, "IPAC was very important because it improved faith and trust in the EC and improved transparency and credibility of the electoral process" (Interview with former Secretary General of NDC, Accra May 4, 2012). NPP officials also referred to IPAC as a mechanism that improved their trust in the electoral process. As one high level NPP official told me: "There was much improvement before the 2000 election. We worked hard for it through IPAC with the NDC. We also worked hard for opposition parties to get resources to compete" (Interview with former NPP minister and high level official, Accra, May 22, 2012).

Another factor that increased NPP's belief that the election commission was independent was that the election commission made decisions that the NDC government was opposed to. Prior to the 1996 election, the election commission overturned the NDC government's decision regarding when the election date (Debrah 2011, 32). The election commission also refused, contrary to the government's request, to withdraw nomination papers of candidates that ran as independents after they lost NDC primary elections (ibid). To further secure its independence, the election commission recruited its own legal council to defend it in court during election disputes. In the 1996 election the election commission relied on the Attorney General of Ghana to defend it in election disputes, but as this raised questions about its independence, the commission unilaterally decided to hire its own lawyer for future defense (ibid, 33). Finally, to the objection of the government, the commission prevented the government from accrediting domestic and international election observers, declaring that only the election commission could accredit election observers (ibid). In sum, these decisions showed both voters, civil society

[53] In 2012 I did three months of fieldwork in Ghana. During this time I interviewed 10 current and former officials from NPP and NDC. A list of all interviews is provided in appendix 1.

actors, and opposition parties that the election commission was willing to stand up to the government to ensure its independence.[54]

In order to increase its independence, but also to ensure that the electoral process is free from fraud, the election commission has attempted to increase the transparency of the electoral process. In addition to using transparent ballot boxes, the commission ensured that all ballots are counted at the individual voting stations. The results are then posted outside each station. This is done to ensure that the parties can collect results from each voting station and then compare the overall results with those the election commission announced. The election commission also encourages the political parties to send party representatives to each voting station to observe the vote and the count (Ayee 2002, 157). The party representatives are asked to sign the final tally, in order to ensure that claims of ballot box stuffing would not take place.

These mechanisms also enhanced the trust in the commission amongst the parties. A former Secretary General of NPP told me that the reforms prior to the 2000 elections "brought confidence in the electoral system and the election commission" (Interview with former Secretary General of NPP, Accra May 23, 2012). Indeed, the reforms reduced the level of rigging to such a degree that neither party challenged the 2000 election results. Yet, accusations of fraud were still made, especially by the losing party, the NDC. However, rather than accusing the election commission, the NDC accused the NPP of fraud while blaming themselves for not being vigilant enough. As a member of NDC campaign team told me, "we couldn't blame the election commission about what happened at polling stations or the results. Parties are responsible for securing the ballots" (Interview with NDC campaign official, Accra, May 17,

[54] Civil society leaders I interviewed in Ghana in the spring of 2012 generally praised the overall organization of Ghana's elections since 2000 and its independence (see appendix 1 for list of interviews). I did not interview individual voters, but surveys done by the Afrobarometer shows that more than 60 percent of those surveyed trust the election commission most of the time or always (www.afrobarometer.org).

2012). This sentiment was mentioned to me several times. Even NPP, who won the election, argued in interviews that the reforms allowed them to ensure that NDC could not stuff ballot boxes because the NPP had "trained their polling agents so well" (Interview with NPP member of parliament and 2000 election campaign official, Accra, May 17, 2012; see also Gyimah-Boadi 2001).

De facto independence is not a given and is difficult to observe. By making decisions that the incumbent government opposed and by consulting with the parties through IPAC, the election commission showed the candidates and parties that the commission was independent and had no intentions of rigging the election to anyone's favor. Over time, the election commission convinced both NDC and NPP that it was not only independent, but that it had put structures in place that would ensure free and fair elections. A recurrent theme in my interviews was that, while the parties believed that the commission was independent, it was also the electoral rules the commission implemented that made the parties trust the process. An excellent example of this sentiment came from a former NDC Secretary General who stated that, "I do not fear rigging. There are many structures in place to avoid the commission to bias the election result" (Interview with former NDC Secretary General, Accra, May 8, 2012). By creating a transparent electoral process with multiple checks and balances, the Election Commission of Ghana, have convinced the political parties of its independence and generated a sense of trust in the system.

The evidence also suggests that the NDC conceded without any fear that future elections would not take place. Every NDC official I interviewed indicated that they were certain they would win future elections. For example, a former Chairman of NDC was forceful in his belief that future elections would take place.

> We never worried about NPP keeping power. The democratic pillars were in place and were strong enough, the EC [election commission] had put in place strong political structures and we knew we would win the next election. Our party is built on people power and there is no reason to worry about losing a battle when we will win the war (Interview with former NDC Chairman, Accra, May 9, 2012).

Some NDC officials expressed that they had feared that the NPP would attempt to destroy the NDC party, but not that future elections would be cancelled or rigged. A member in Mills' campaign team told me: "Sure we knew elections would happen again, we never doubted it. We thought NPP would try to cripple the party, but the party had deep roots. In general, the parliament, media and the election commission is present to secure our future" (Interview with NDC campaign official, Accra, May 17, 2012). While there is no doubt that the NDC party elite was disappointed in the 2000 election loss, they never worried that a loss today would relegate the party to the opposition in perpetuity.

In sum, the presidential and parliamentary election of December 2000 was a watershed moment in Ghana's political history. The election commission of Ghana included key stakeholders in the preparation for the elections, showed the political elites, voters, and civil society organizations that it was independent from the government, and put in place rules and regulations that limited any opportunity to rig the elections. The successful organization of the 2000 elections also reduced any fear the losing party had about being locked out of power for the foreseeable future. Rather than challenge the results, John Atta Mills gracefully conceded defeat and began preparations for the 2004 election.

4.6.4 The 2008 Presidential and Parliamentary Elections in Ghana

The 2008 election was similar to the 2000 election in most respects. The election was very competitive, ethnic appeals played a significant role in the campaign, and both parties used all available means, except violence to mobilize its supporters. In the end, John Atta Mills won the election with a razor thin margin of only 40,000 votes.

John Kufour's victory in the 2000 election secured the Akan their first president since Busia was elected in 1969 and overthrown in a coup in 1972. Worried about the ethnic appeals that had dominated the second round of the 2000 election, and concerned that his government would appear to favor the Ashanti, Kufour's first government was ethnically balanced (Asante and Gyimah-Boadi 2004, 78-79). However, after a reshuffle of his government in 2003, Akans dominated the government, with 22 out of 32 ministers (69 percent), while only 2 ministers were Ewe (ibid). In December 2004, John Kufour ran for re-election, and once again John Atta Mills was his main opponent. This time, however, the election was not nearly as competitive as in 2000, and Kufour won in the first round with 52.4 percent of the votes, while Mills received 44.6 percent (Election Commission of Ghana 2005). With Kufour's victory in 2004, the NPP held on to power for 8 years, but in the 2008 election, the NPP was seriously challenged, and the NDC and John Atta Mills won a very close and contentious election.

On January 7 2009, President Kufour handed over power to John Atta Mills, after the NPP candidate Nana Akufo-Addo lost the second round of the election with 49.9 percent of the vote. Mills' victory meant that Ghana for the second time had peacefully transferred power from the incumbent party to the opposition. However, prior to the election, there was widespread fear the elections would turn violent and that the losing candidate would refuse to concede (Gyimah-Boadi 2009, 138; Kelly 2009, 443). Elections across sub-Saharan Africa, in 2007 and 2008, had

led to massive protests and violence. In addition to Kenya's horrific experience in 2007-2008 (see below), serious electoral violence had taken place in both Zimbabwe and Nigeria. As Ghanaians went to the polls in December 2008, the question was whether Ghana would continue its streak of free, fair and peaceful elections, or whether the election would result in ethnic clashes as they had in other countries on the continent (Whitfield 2009, 622; Jockers et al. 2010, 3).

The stakes of the 2008 elections were higher than in 2004. Newly discovered oil reserves off Ghana's shores significantly increased the potential spoils for the winner (Gyimah-Boadi 2009 and Kelley 2009). In addition, Kufour and NPP had established a reputation as a pro-Akan and Ashanti regime that paid insufficient attention to non-Akan groups (Gyimah-Boadi 2009; Jockers et al. 2010). The campaign resembled that of 2000. Both NPP and NDC campaigned across the country, but focused most of their attention on their respective strongholds. While the NPP courted voters in Ashanti, Brong-Ahafo and Eastern regions, the NDC focused on the Northern Regions and Volta. As they had done in 2000, the NDC courted non-Akan votes "by stoking their hatred of the NPP and depicting it as the party of Ashantis" (Gyimah-Boadi 2009, 143). Both parties implicitly declared their respective strongholds as "no-go" zones for the opposition (ibid).

The first round of the election took place on December 7, 2008. The election was considered free and fair, and violence did not occur (Gyimah-Boadi 2009; Kelly 2009 and Whitfield 2009). The NDC won a majority of the parliamentary seats (114 for NDC, 107 for NPP), while Akufo-Addo of NPP won 49.1 percent of the votes in the presidential race (Mills won 47.8 percent). With neither presidential candidate receiving more than 50 percent of the votes, a run-off election was scheduled for December 28, 2008.

The second round of the presidential election was, as in 2000, more heated and contentious than the first round. The ethnic appeals continued and threats of violence escalated (Gyimah-Boadi 2009). On election day, no significant violence materialized, but harassment and intimidation of polling agents from both parties took place in their respective strongholds (ibid). In both Volta and Ashanti regions, NPP and NDC party agents were prevented from observing the voting and the count. This led to serious allegations of vote rigging, in particular from NPP who looked likely to lose the election.

The election commission took two days to finalize the count, and even then, neither candidate had won the requisite 50%+1 vote. The problem, according to the election commission, was that the Tain constituency in Brong-Ahafo region had not received ballot papers in December 28, and thus, no voting had taken place there (ibid). Before Tain voters could decide the election, both parties appealed to the election commission to investigate allegations of voter fraud in the Ashanti and Volta regions. NPP increased the tension further with a lawsuit seeking "an injunction on the Tain election and to prevent the EC from declaring the final results until allegations of irregularities in the Volta Region had been fully investigated" (ibid, 144). When the court dismissed the lawsuit, the NPP refused to partake in the Tain election, and on January 3 2009, the Election Commission of Ghana announced that John Atta Mills had won the run-off election with a total of 50.2 percent of the votes.[55] Within 24 hours of the announcement, Akufo-Addo conceded defeat and congratulated Mills on his victory.

In the days between the announcement of the deadlock and the final announcement of the results, the tension and potential for violence was extraordinarily high. NDC supports surrounded the headquarters of the election commission in Accra, demanding that the election commission declare Mills the winner, while NPP supporters besieged a radio station that had reported that

[55] Less than 41,000 votes separated the candidates in the end.

Mills was leading the vote count (ibid). Had Akufo-Addo failed to concede defeat, it is almost certain that violence would have broken out, both in Accra and especially in Ashanti region. This raises the important question of why, despite the NPP's claim of electoral fraud, Akufo-Addo conceded defeat?

The most important reasons for Akufo-Addo's final acceptance of the results is that NPP lacked hard evidence of any actual fraud, while at the same time, they knew that even if NDC had rigged the election in the Volta region, the NPP had done the same in Ashanti region (Jockers et al. 2010). The NPP was also aware that the loss was more due to their own failure to mobilize voters, than to any potential rigging. It is also interesting to note that every allegation of fraud singled out NDC as the perpetrators, and not the election commission.

First, NPP's main claim was that NDC had registered dead and underage voters, and by refusing NPP polling agents access to polling stations in the region, NDC could increase their vote share in Volta by making sure these "ghost voters" voted (Jockers et al. 2010). However, NPP had also registered large numbers of "ghost voters", especially in Ashanti region (ibid). This meant that any attempt to challenge the election results would likely result in their own tactics being exposed as well.

Second, even though the NPP strongly believed that the NDC had rigged the election in Volta region, they had no hard evidence of the fraud. Because of intimidation and poor planning, the NPP lacked polling agents at many polling stations in Volta regions, and thus, they could not confirm whether fraud had taken place. However, not only did the NPP fail to place polling agents at the polling stations, they had also, by mistake, paid active NDC members to be NPP polling agents (ibid, 16).

In the aftermath of the election, NPP officials, rather than blaming the election commission, blamed themselves and their supporters for the loss. One of NPPs campaign leaders told me, while discussing NPP polling agents, "we failed to protect the ballot in Volta region" (Interview with NPP campaign official, Accra, May 16, 2012). Arthur Kennedy, the communication director for the NPP campaign, also supports this view. Kennedy wrote a book about the 2008 campaign, and amongst the issues he raises was the NPP's failure to provide and train loyal polling agents (Kennedy 2009, 129-131).

In the end, Akufo-Addo had few other options than to concede. The NPP lacked solid evidence that the NPP had rigged the election, while they too had used similar tactics as the NDC. In addition, NPP still had faith in the credibility and independence of the election commission, and they believed they could compete for power in the future. For example, a former National Chairman of NPP told me that:

> The election was credible. There was some intimidation and threats, but it was credible. Once reforms were instituted it brought confidence in the electoral system and the election commission…We conceded because of the interest of the state, there was no need for a constitutional crisis. We knew there would be new elections in 2012. In four years we have our opportunity to use our thumb to change the government again (Interview with former National Chairman of NPP, Accra May 23, 2014).

Another high-level NPP official, when discussing the election commission said: "I very much trust Afari-Gyan [chairman of the election commission], I have known him very long and I trust him. There is nothing he can do to change election outcomes. The structures are all in place. The risk is at local polling stations" (Interview with NPP official, Accra May 22, 2012). As to why NPP conceded the same official stated:

> Ghanaians wanted to move on. They all think it is God wish. We would not get support if we challenged the results. We felt we should let go and prepare for the next election. People believed we lost because God wanted to see how the NDC

> would do… The election commission results were correct. NANA [Akufo-Addo] asked: 'did we have a fair election? If so, let's compete again in the future.' He's not belligerent (ibid).

None of the six NPP officials I interviewed, nor any other evidence suggests that Akufo-Addo or the NPP ever feared that the loss in 2008 was the end of their political careers, or the end of the NPP's chance at ruling Ghana. The Election Commission of Ghana, in cooperation with the political parties, has since 1996 created an electoral system that the contestants believe produces free and fair elections. The process is by no means perfect, but the parties generally follow the rules, though as Whitfield points out, the parties "stretch the procedures as much as they can" (Whitfield 2009, 639).

The case studies of Ghana's 2000 and 2008 elections provide additional evidence for the argument that independent election commissions can mitigate the risk of electoral violence in high-risk situations. The case studies show that despite legacies of ethno-political exclusion and highly competitive elections, the two main parties in Ghana, rather than challenging the election results and mobilizing their supporters to use violence, conceded their defeats and moved on to compete in the next election. This is remarkably different from what happened in Kenya in 2007, when the election commission rigged the election in favor of the incumbent. Rather than conceding defeat, the loser of Kenya's 2007 presidential election called on his supporters to take to the streets and organized violent campaigns to punish opposition voters. I return to Kenya in the last two case studies of this dissertation.

4.7 Kenya's 2007 and 2013 elections

Kenya's 2007 presidential and parliamentary election was a watershed moment in Kenya's history. After a successful and peaceful election in 2002, and a peaceful constitutional referendum in 2005, Kenyans went to the polls on December 27, 2007. Despite high hopes that

Kenya would hold another free, fair, and peaceful election, the election turned into an orgy of violence as soon as the chairman of Kenya's election commission announced that the incumbent, Mwai Kibaki, had won the election. More than 1200 people were killed, countless of people were seriously injured, and over 500,000 people were internally displaced. The violence continued for more than two months, and did not end until Kofi Annan negotiated a settlement between the two main coalitions. The negotiated settlement included a new power sharing government, and an agreement that the parties would re-write the Kenyan constitution.

The 2007 election in Kenya, and the violence that occurred in its aftermath, provides additional evidence for hypotheses two and three, while the reforms that took place between 2008-2013, and the Kenyan election in 2013 provides additional evidence for hypothesis three. In the remainder of this chapter, I first discuss the events that led up to the 2007 election, as well as the election violence itself. I then discuss the constitutional reform process and the new constitution that was approved in 2010. In particular I focus on the legal reforms regarding the new election commission. In the final two sections of the chapter, I detail the process through which the new election commission was set up and the selection of commissioners. I then discuss the impact the new election commission did, and did not have, on the peaceful 2013 election.

4.7.1 The aftermath of Kenya's 2002 election and the collapse of the NARC coalition

Recall from chapter two that Kenya's 2002 election was its first peaceful transfer of power through the ballot box. Raila Odinga and Mwai Kibaki, together with elites from the Kamba and Luhya community, came together in the NARC coalition and convincingly beat KANU's presidential candidate Uhuru Kenyatta. The basis for the grand coalition between Kibaki and Odinga was a Memorandum of Understanding (MoU), in which Kibaki was the presidential

candidate; Raila Odinga would be the Prime Minister; there would be an equal distribution of ministers between the parties; and a new constitution was to be drafted and voted on in a referendum (Hornsby 2012, 681).

The unity of the NARC coalition was short lived.[56] Kibaki's first government, even though more ethnically balanced than previous governments (see chapter 2 and 3), violated the MoU the parties had signed prior to the election (Hornsby 2012, 698). Odinga's party was given fewer ministerial posts than agreed upon in the MoU, while Kibaki's party received more seats. However, what sealed the faith of the NARC coalition was the constitutional review process. In the MoU, the parties had agreed to pursue a constitution that included the post of Prime Minister, with a ceremonial President. They had also agreed on a constitution that placed increased emphasis on the devolution of power to the districts (ibid, 722). Yet, after a National Constitutional Conference was held in April 2003, Kibaki and his close allies put forward a radically different constitution for a 2005 referendum (ibid, 722-724 and 738-739). The Constitution put forward by Kibaki maintained a strong president, while it included a Prime Minister with limited powers. The draft constitution also reduced the focus on devolution (ibid). Odinga was vehemently opposed to the draft constitution, as were several other members of the government (ibid). Odinga's opposition to the draft constitution, and the constitutional referendum, was the end of the NARC coalition.

The referendum took place on November 21 2005. Several Kalenjin, Mijikenda, Kamba, and Luhya political elites joined Odinga on the no-side, while Kibaki had the support of some Kambas and most Kikuyus (ibid, 740). In the end, Odinga's no-side won a clear majority and the 1969 constitution remained in place. The polling itself went smoothly, and the Election Commission of Kenya (ECK), received praise for the way in which it had run the referendum.

[56] This section draws on Hornsby 2012, chapter 12.

The referendum was the end of the NARC government. On December 7 2005, Kibaki reshuffled his government and sacked Odinga and all his supporters from the government (ibid, 742). Kenya had returned to its old ways, and government positions were largely made up of Kikuyus. A Kikuyu president had once again humiliated Odinga, and the Luos more generally. The sacking of Odinga and his supporters, and the establishment of a largely Kikuyu government settled the battle lines for the next election. As in previous elections, the question of who would win the election was down to whom could create the most inclusive ethnic coalition.

4.7.3 The 2007 Kenyan election

As I write above, the 2007 election was mired in post-election violence. Hundreds of thousands of people were displaced, thousands injured and more than 1,200 people were killed. The run-up to the election, the electoral process, and the post-election violence that took place provides strong evidence for hypothesis two, that ethno-political exclusion and competitive elections increase the risk of electoral violence. After the 2005 referendum, the Luos were again excluded from power. Kibaki's new government in 2005 also marginalized the Luhyas and the Kalenjins. As I will briefly discuss below, the campaign was extraordinarily competitive, and early polls indicated that Odinga might win the election. However, rather than use violence prior to the election, Kibaki, the incumbent, rigged the count of the vote to secure his re-election.[57] In response to Kibaki subverting the electoral process through electoral fraud, Raila Odinga and allies, mobilized and organized a violent response to the election result.

After the collapse of the NARC coalition, Odinga began to assemble a multi-ethnic coalition in order to win the 2007 presidential elections. By early fall 2007 Odinga had created a

[57] Though few objective analysts doubt that the count was rigged, some analysts have been hesitant to claim that Kibaki actually rigged the election in his favor (see for example Hornsby 2012).

new political party, the Orange Democratic Movement (ODM). In addition to Odinga, the leadership consisted of Mudavadi (Luhya), Ruto (Kalenjin), and Balala (from the Coast province) (Hornsby 2012, 749). Kibaki ran for president under the Party of National Unity (PNU). Kibaki and PNU dominated the Central province and the Kikuyu vote, while he also had some support by Rift Valley Kalenjins and non-Luo in Nyanza province. He also had support from parts of the Luhya community and people in the North Eastern province (ibid, 750). In addition to Kibaki and Odinga, Kalonzo Musyoka (Kamba) competed in the election and looked to dominate the Kamba vote.

The campaign was intense, but generally took place without any violence. The candidates toured the country, but generally left the opposition strongholds alone. Despite the fact that both Kibaki and Odinga had put together multi-ethnic coalitions, Kibaki lagged behind in early polls. In polls published by the Daily Nation in mid-October, Odinga led with 50 percent against Kibaki's 35 percent. Musyoka received 15 percent (Daily Nation, cited in Hornsby 2012, 754). However, polls in November indicated that Kibaki was gaining ground (Mutahi 2009). Whether Kibaki was gaining ground or not, Odinga was confident of a victory, while Kibaki was more uncertain.

As the incumbent, Kibaki had several tools he could take advantage of. One important tool was his ability to appoint members to the Electoral Commission of Kenya (ECK). According to the Kenyan Constitution, section 41 provides for the establishment of the Electoral Commission of Kenya (ECK). The section specifies that the commission at all times should have between 4 and 21 members, in addition to a chairman, all appointed by the President. Each member is appointed to serve for a period of five years, but a member's term can be renewed. In terms of *de jure* independence, the constitution specifies that, "the ECK, in the exercise of its

functions, shall not be subject to the direction of any person or authority" (IRC 2008, 214). As the 5-year terms for 15 ECK members, as well as the chairman, expired in 2007, Kibaki had the opportunity to appoint 15 new election commissioners. Kibaki replaced ten commissioners in January and the remaining five in October, without consulting the other parties as agreed to in the 1997 IPPG reforms (IRC 2008, 30).[58] The chairman of the ECK, Samuel Kivuitu, had led the ECK through successful and peaceful election in 2002, as well as the 2005 referendum. As reports emerged that Kibaki was ready to drop Kivuitu from the ECK, Odinga raised the prospects of a rigged election (Hornsby 2012, 752). However, on November 12 2007, Kibaki renewed Kivuitu's term, ensuring that the most experienced member of the ECK remained at his position (The Standard, November 13, 2007). Kibaki's unilateral appointment of 15 election commissioners, and his apparent reluctance to re-appoint the reputable chair of the commission, created a highly charged atmosphere. "Every administrative problem led to accusations that the ECK was partial, and every decision inspired ODM allegations of rigging (Hornsby 2012, 752). As voting day neared, many observers were nervous that a disputed election could turn violent.

The election took place on 27 December 2007, and polling was considered very successful with very few violent incidents. However, delays and disputes over the final tallying of the results let to tensions at the ECK headquarters in Nairobi and on the streets of several large cities (Hornsby 2012, 759; See also Long 2012 chapter 4). Early reports gave Raila Odinga a significant lead in the count. On Friday (December 28 2007), Odinga led with 900,000 votes after half the ballots counted (ibid). However, as the count continued into Saturday, Kibaki's vote count was surging. The ECK had counted Odinga's strongholds first, and as the results

[58] The Inter-Parties Parliamentary Group (IPPG) was a parliamentary meeting group established in 1997 with the goal of reforming the relationship between the government and the opposition. One of the agreements forged in 1997, was the government would consult the opposition about appointments to the ECK. Prior to the 2002 election, President Moi, did uphold the agreement even though it was not codified in law. Kibaki was thus not required to consult the opposition about the new commissioners in 2007.

came in they could manipulate the results from Kibaki's strongholds to ensure that he would retain the presidency (Long 2012, Hornsby 2012). As results, favorable to Kibaki, continued to trickle in, Odinga and ODM leaders claimed that the results were rigged. On Sunday, three days after the election, ODM held a press conference alleging that large scale rigging was taking place and that results were being modified at the ECK headquarters (Hornsby 2012, 760). Soon after ODM's press conference, ECK chairman Samuel Kivuitu held his own press conference announcing Mwai Kibaki's victory with 225, 174 votes (Long 2012, 180). A short time after the announcement Kibaki was sworn in, but already violence and protest had erupted in Nairobi and parts of the Rift Valley.

With the announcement of Kibaki's victory, and the widespread belief among ODM supporters that the Kibaki was fraudulently awarded the presidency, violence erupted across Kenya (Hornsby 2012, 764). Young Luo, Kalenjin, Maasai, and Mijienda ODM supporters, took up arms against the Kikuyu and other PNU supporters in Kisumu, Rift Valley, and Coast provinces, in addition to the slums of Nairobi (CIPEV 2008; Hornsby 2012, Long 2012). Many of the attackers were organized and arrived in chartered buses (Hornsby 2012, 764). After several days of violence, the Kikuyu retaliated. Kikuyu militias and criminal gangs killed hundreds of Luos and Kalenjins, and drove thousands away from Kikuyu dominated areas (CIPEV 2008, Hornsby 2012). Later, investigations by the International Criminal Court indicated that much of the violence, both on the ODM and the PNU sides, was organized by political elites.

Objective observers do not dispute the general facts of what did and did not occur during the 2007 election process.[59] Yet, whether or not the ECK rigged the election in favor of Kibaki is to some degree beside the point. Kibaki's unilateral appointment of 15 election commissioners,

[59] See in particular Long (2012, chapter 4) for a discussion on how the ECK contributed to the fraudulent elections.

and the ECK's complete lack of transparency in the counting and tallying process, convinced Odinga, the ODM elites, and ODM supporters, that the ECK had rigged the election in favor of PNU. The ECK had done nothing to convince the losers that the election results were accurate. The fraudulent results left Odinga with few choices. He could challenge the results, but at a press conference on December 31, ODM rejected a court challenge "since Kibaki controlled the courts" (Hornsby 2012, 760; see also wa Githini and Homlquist 2008). Another option was to concede defeat. However, with the history of Luo exclusion, Kibaki's violation of the 2002 MoU, and the rigging of the 2007 election, it is reasonable to assume that Odinga believed that the Kikuyus would never allow him to become a legitimately elected president. Indeed, when a BBC reporter asked Odinga if he would urge his supporters to calm down, he replied, "I refuse to be asked to give the Kenyan people an anesthetic so that they can be raped" (Dyer 2008, 12). Richard Beeston of the Times of London aptly summarized Odinga's feelings: "Raila Odinga does not just believe that he was robbed of victory…, but that once again his family and his tribe have been unjustly deprived of power by the countries political elite" (Beeston 2008, 7).

The 2007 election is an excellent example of how the lack of an impartial electoral management body can contribute to electoral violence. Without an independent third party to organize elections parties, candidates can subvert the electoral process through rigging, and this in turn increases the risk that the losing party will use violence to gain access to power.

4.7.5 Grand Coalition and the new Kenyan Constitution of 2010

The aftermath of the 2007 post-election violence led to the formation of a grand coalition government led by Kibaki as President, and Odinga as Prime Minister. As part of the agreement between Kibaki and Odinga, the parties agreed on writing a new constitution. Due to the history

of electoral violence in Kenya, an important part of the new constitution was the establishment of a new election commission prior to the 2013 election. In the final section of the chapter, I discuss these developments and analyze to what degree the new election commission contributed to the peaceful 2013 elections.

The violence that began on December 29, 2007 continued for more than two months. Both Kibaki and Odinga were certain they had won and refused to concede. International mediation, led by former UN Secretary General Kofi Annan, brought the parties closer together, and on 28 February 2008, Kibaki and Odinga signed the "Agreement on Principles of Partnership of the Coalition Government", commonly knows as the National Accord. The agreement required the Parliament to adjust the Constitution to provide for real power sharing between the parties. Kibaki remained the President, while Odinga was appointed Prime Minister. The agreement also called for each party to appoint a deputy Prime Minister. ODM appointed Mudavadi (Luhya) and PNU appointed Uhuru Kenyatta (Kikuyu). In addition, the remaining ministers were to be divided up based on their strength in Parliament.

The National Accord agreement also called for a constitutional review process. On December 22, 2008, the Parliament approved "The Constitution of Kenya Review Act". The law established a Committee of Experts, who was to produce a new constitution. The Committee of Experts produced a final draft of a new constitution in February 2010. A referendum on the new constitution was held in August 2010. President Kibaki and Prime Minister Odinga both campaigned in favor of the new constitution, while ex-President Moi and other Kalenjins campaigned against. 72 percent of the registered voters turned out to vote, the highest ever for a Kenyan election, and a large majority (67 percent) voted in favor of the new constitution.

The 2010 constitution was an effort to solve many of the problems that had plagued Kenya since independence. It included a devolved system of government, and an increased focus on checks and balances. Due to the botched 2007 election, new rules regarding the election commission were also included in the constitution. Article 88 of the constitution ensured the establishment and the independence of the Independent Electoral and Boundaries Commission (IEBC). In the spring of 2011, the Parliament passed "The Independent Electoral and Boundaries Commission Act". The law confirmed the implementation of Article 88 in the 2010 constitution.

The Independent Electoral and Boundaries Commission Act specify the role and responsibilities of the IEBC. The law also details the requirements necessary to be a commissioner. Most interesting for my purpose is the way in which the law outlines the appointment of commissioners. Due to the critique of the old ECK and allegations that is was partial to President Kibaki during the 2007 election, parliament went to great lengths to ensure that all parties would accept the new IEBC. The law specifies that an appointed selection commission will recruit, interview and select IEBC commissioners.[60] The selection panel selects three persons for the position of chairperson, and thirteen for positions as commissioners. The panel will forward the names to the President and Prime Minister, who together will nominate one of the persons as the chairperson, and eight as members of the commission. The President will then forward his list of nominees to the National Assembly for vetting and approval.

On August 8 2011, the Chief Justice, swore in the seven-member selection IEBC selection committee.[61] The panel recruited candidates for the IEBC openly, and received 427

[60] The selection committee, according to the law, should consist of two persons, one man and women appointed by the President, and two persons appointed by the Prime Minister. In addition, The Judicial Service Commission, Kenyan Anti-Corruption Advisory Board, and the Association of Professional Societies in East Africa each nominated one member to the selection committee.

[61] The seven were Ekuru Akot and Rosa Buyu (Odinga nominees), Marion Mutugi and Mwanyengela Ngali (Kibaki nominees), Isaac Lenaola (Judicial Service Commission nominee), Irene Keino (Kenyan Anti-Corruption Advisory Board nominee), and Sophie Moturi (Association of Professional Societies in East Africa nominee).

applications for IEBC commissioners and 14 applications for IEBC chairperson.[62] The selection panel publicized the list of applicants in the national media, as well a shortlist of 44 potential commissioners and eight potential chairpersons. During September and October, the selection panel interviewed all of the shortlisted candidates in public at the Kenyatta International Conference Center. The interviews were open to anyone, and the press was present for all interviews.[63]

On October 14, the selection panel presented their final report to President Kibaki and Prime Minister Odinga. After consultations between the two, they submitted a list of seven commissioners and one chairperson to the parliament. The parliamentarians further vetted the candidates before they voted, unanimously in favor of all eight individuals on November 3, 2011. The selection of the new IEBC was a milestone in Kenyan politics. The commissioners and chairs were carefully selected and hailed from all eight provinces in Kenya. In other words, the main ethnic groups were all represented in the IEBC.

4.7.6 The 2013 Kenyan elections

The 2013 Kenyan national elections took place on March 4. The IEBC's use of technology failed spectacularly, and the counting and tallying of votes, which was expected to take only two days, dragged out as the IEBC had few if any backup plans. While the IEBC tallied the votes, Raila Odinga's campaign became weary of rigging, and when the IEBC finally announced that Uhuru Kenyatta had won the presidency, Odinga, as in 2007, refused to concede. However, rather than call for mass protest and violence, Odinga called for calm and promised that he would challenge

[62] This section draws the final report of the IBEC selection panel. This report was presented to the President and Prime Minister on October 14, 2011. It has not been made public but I have received a copy from one of the selection panelists.

[63] I was present at all the interviews and was impressed by the rigor and seriousness of the interviews as well as the overall press coverage the process attracted.

the results of the election in the reformed Supreme Court. After to weeks of testimony in the Supreme Court, the Supreme Court Justice announced on March 30, 2013 that Uhuru Kenyatta had won a free and fair election. Hours after the announcement, Odinga, in a press conference accepted the ruling and once again asked his supporters to remain calm.

The election was a return to the past. As in the 1960s the competition for the presidency was between Odinga and Kenyatta, except this time it was their sons who competed for power. Raila Odinga created an alliance consisting of the Kambas, Luos and Coastal groups, while his opponent, Uhuru Kenyatta, led an alliance of mostly Kikuyus and Kalenjins. The Luhyas, an important swing group in prior election, had their own presidential candidate, in Musalia Mudavadi. The elections, as in previous years, were filled with tension and fears that violence would once again dominate. Early polls indicated that Odinga would win, but Kenyatta's support increased as election day neared. On election day Kenyans turned out to vote in higher numbers than ever before (85.90 percent). Lines were long and some people waited hours to vote. Election day remained largely peaceful, but the counting and tallying process was fraught with problems and delays. After several days, Issack Hassan, the IEBC chairman announced that Uhuru Kenyatta had won in the first round with 50.51 percent of the vote, against Odinga's 43.70 percent. Raila Odinga, once again alleged that the election was rigged. However, rather than calling for mass protests, he challenged the results in the Supreme Court of Kenya. The Supreme Court dismissed Odinga's petition on March 30, 2011, declaring Uhuru Kenyatta Kenya's next President.

What role did the IEBC play in the 2013 election? Why, despite the approval of the IEBC commissioners did Odinga allege that the IEBC had rigged the results? What are the implications of Kenya's 2013 election for my argument? I address these questions next.

The IEBC was well aware of the pressure they were under prior to the 2013 election. However, they believed they would succeed, and there was a high level of trust in the commission prior to the election. The IEBC had organized several successful by-elections since they began their work in late 2011, and Issack Hassan had also chaired the interim independent election commission that organized the successful 2010 constitutional referendum. Hassan and the commission had met with the Ghanaian election commission several times, and believed that transparency, and checks and balances was the key to a successful process (Interview with Isaack Hassan, Nairobi, November 12, 2011). Due to the public nature of the IEBC selection process, the successful 2010 referendum, and the successful by-elections, the Kenyan population, civil society, and political elites had a high level of trust in the IEBC as it prepared for the 2013 elections.

In interviews with members of civil society and political party agents in 2011, I was consistently told how good the selection process was, and how individuals believed that the IEBC would "succeed in its mission to organize free, fair, and credible elections" (Interview with program officer at Nairobi-based NGO, November 1 2011).[64] When I arrived in January 2013, two months prior to the election, the mood was still upbeat. One of the Vice Presidential candidates expressed that he was impressed with the changes the IEBC had made to the electoral process. He believed the process was much more transparent, and that it would significantly reduce the level of rigging from past years. However, he also had reservations, and would "not give the IEBC a clean bill of health until after the election" (Interview with Vice Presidential candidate, Nairobi 7 February, 2011). Campaign officials for other parties also echoed the same

[64] I conducted fieldwork in Kenya for three months in the fall of 2011 and for the three first months of 2013. During my stay in 2011, I interviewed all seven members of the IEBC selection committee, 4 IEBC candidates, 12 civil society officials, and 8 politicians. During my stay in 2013, I interviewed 7 political party/campaign officials, 9 civil society officials and three political analysts/academics. I list all interviews in Appendix 1.

sentiments. The most common response I got to my questions regarding the IEBC was that while the IEBC is credible and non-partisan, it was not well enough prepared. Opinion polls also indicated that the Kenyan public was confident that the IEBC would do an excellent job. In a poll released on January 25 2013, 90 percent answered that they were "very or somewhat satisfied" with the performance of the IEBC (IPSOS 2013). The answers did not vary depend on what candidate individuals supported.

The IEBC believed that the only way one could organize a credible election was to ensure a transparent electoral process, and the IEBC decided to rely on technology to ensure that the votes and the tallying of votes could not be interfered with. One of the first tasks for the IEBC was to compile a new voter register, and to ensure that no dead, foreign or underage individuals registered to vote or voted they set up a biometric voting registration exercise. To register to vote you needed a national ID card, and the IEBC took fingerprints and photos of all registered voters. This ensured that when a voter showed up to vote, her fingerprint was all that was needed to confirm that she was a registered voter (see NPR 2013 for an excellent description of the process).

To ensure that the counting and tallying of votes went smoothly, the IEBC also relied on technology. The votes were to be counted at each polling station and then relayed by text message to the IEBC headquarter where the provisional results would be made public immediately. This, the IEBC announced, would allow the parties to confirm that the provisional results were the same as the final official results (NPR 2013). The general idea of using technology in the way IEBC envisioned is a good idea, and if it works it can ensure transparency, while reducing fraud. However, if any of the systems fail, it can immediately reduce the credibility of the whole electoral process.

Even before election day the technological solutions began to reduce the credibility of the IEBC. Three weeks prior to the election the IEBC invited representatives for all the parties to view a demonstration of the technology they were going to use in the election. Unfortunately, the test failed miserably. Of the five fictitious polling stations that were to transmit results with the mobile phone technology, only one managed to successfully do so (see The Star, February 19, 2011). The failure immediately made the Odinga's campaign suspicious that the IEBC were preparing to rig the election. One of Odinga's campaign officials told me the day after the failed test, "that some people [Kenyatta] has influenced the top leadership of the IEBC, and that the failed tallying exercise was a practice run in rigging" (Interview with Odinga campaign official, Nairobi February 18, 2013). Whether the exercise was a "practice run in rigging" or not, it was a strong sign of what was to come on election day.

As millions of Kenyans went to the polls on March 4 2011, they had little knowledge of what was to come. It quickly became apparent that technology is not a panacea to secure credible elections. First, laptops ran out of battery. With polling stations in many school buildings without electricity, no one could restart them. Then, the biometric identification kits crashed, and poll workers lacked the passwords necessary to re-start the systems. When voting was complete, the text message relay system of the count overloaded and crashed, as did the servers at the IEBC headquarters. In sum, the whole system crashed and election officials had to be transported to Nairobi to hand-deliver the official results. It took six days to finalize the count, and in the meantime Odinga's campaign held a press conference alleging that the election was being rigged. On March 9, 2011, five days after the polls closed, the IEBC chairman announced that Kenyatta had received 50.07 percent of the votes and declared him the winner.[65]

[65] The final official results shows that Kenyatta received 50.51 percent.

Raila Odinga refused to concede defeat. A short time after Hassan's announcement, Odinga held a press conference at his campaign headquarters in Nairobi. In his remarks Odinga pointed out what everybody knew, that the technology the IEBC had used had completely failed. However, according to Odinga, this was not an accident, rather it was done so that the IEBC could rig the election in favor of Uhuru Kenyatta. Interestingly, Odinga almost apologized for not conceding, saying that, "As I said repeatedly during the campaign, I would have readily conceded if IEBC had attempted to deliver a reasonably honest election" (Odinga 2013a). Having alleged that the IEBC rigged the election for Kenyatta, Odinga then appealed to all Kenyans to remain peaceful, respect the rule of law, and to uphold the constitution. Then he outlined his next move:

> This time we have a new independent judiciary in which I and most Kenyans have faith. It will uphold the rule of law, and I will abide by its decisions. I will therefore shortly move to court to challenge the outcome that the IEBC announced a few hours ago (Odinga 2013a).

As part of the constitutional review process, the Kenyan judiciary had been reformed, and in June 2011, President Kibaki, after consulting with Odinga, appointed Willy Mutunga, a former human rights activist, as the Chief Justice of the Supreme Court of Kenya. Mutunga had been chairman of the Kenyan Human Rights Commission in the early 1990s, and participated with Odinga in the pro-democracy movement that led to the first multi-party election in 1992. With a former ally as the Chief Justice of the Supreme Court, Odinga had confidence in the court system and chose to challenge the results in court rather than in the streets.

On March 16, 2013, Raila Odinga filed his petition to the Supreme Court of Kenya challenging the results of the March 4 election. The Supreme Court heard the case during the following two weeks, and on March 30, 2012, the Court gave their preliminary ruling. The Court

ruled that the elections were conducted in compliance with all laws, and that Uhuru Kenyatta and his running mate William Ruto had been legally elected as President and Vice President of Kenya. Hours after the ruling Raila Odinga conceded defeat in a televised speech. In his speech, Odinga said amongst other things:

> The court has now spoken. Article 140 of our constitution states that 'the Supreme Court shall hear and determine the petition and its decision is final'. Although we might not agree with some of its findings, and despite all the anomalies we have pointed out, our belief in constitutionalism remains supreme (Odinga 2013b).

In addition, Odinga wished Kenyatta and Ruto luck in their endeavor to bring Kenya forward, before concluding by calling on "Kenyans—our supporters and opponents alike—to remember the sacred words of our National Anthem: Justice be our shield and defender" (ibid).

The 2013 election in Kenya remained peaceful despite the failure of the IEBC to organize a credible election, and Odinga's refusal to concede. However, Kenya's Supreme Court had been reformed, and Odinga chose to challenge the election results in court. Odinga's decision to use the court systems rather than challenging the results through protests and violence suggests that independent judiciaries can function as substitutes for independent EMBs.

Recall that independent EMBs can mitigate violence because they improve the quality of elections, reduce fraud, and ensure that candidates do no attempt to subvert the democratic process. Independent judiciaries, or other institutions that are empowered to act as the final adjudicators of election disputes, can provide the same effect as independent EMBs, but likely through a somewhat different mechanism. Since independent judiciaries do not organize the elections they will not directly reduce fraud and improve election quality. Rather they can reduce or eliminate the benefits electoral fraud generates. Independent judiciaries provide losing candidates a final appeals process where they can have their grievances heard, reducing

incentives to rig elections in the first place. Thus, the 2013 Kenyan election provides support for the argument that people, and in this case political elites, might accept negative outcomes as long as the procedures are seen as fair (Tyler et al. 1997). Rather than disprove my argument that independent elections commissions are critical in highly contested elections, the 2013 election shows that other independent institutions, as long as they are the final adjudicators of election disputes, can play a similar role as independent EMBs. However, it is not a perfect substitute. Legal processes, even when fair, might take a long time to complete, and anger and frustration among the loser and winner and his supporters might reach a tipping point in which violent outcomes might still occur. This did not happen in Kenya, as the legal framework gave the Supreme Court only two weeks to reach a final verdict.

4.8 Conclusion

In this chapter I have argued that independent EMBs can reduce the risk of electoral violence, even in high-risk situations. Using a new, carefully designed dataset on independent EMBs, I show that independent election commissions mitigate the risk that ethnic exclusion and competitive elections have on electoral violence. In addition, the statistical tests shows that when independent EMBs organize elections, the risk of election day rigging is significantly reduced, while the overall election quality is significantly improved.

The case studies of Ghana's 2000 and 2008 elections showed that the Election Commission of Ghana increased the political elite's trust in the election commission, through dialogue and institutional mechanisms, while simultaneously reducing the ability of the political parties to rig the election. The fact that the independent EMB organized credible elections showed the political elites that they did not have to fear being excluded from power in the future, even if they lost the election.

The 2007 and 2013 elections in Kenya provided additional evidence in support of my argument. In the 2007 election a clearly partisan election commission rigged the election in favor of Kibaki, and without an independent third party adjudicator, Odinga challenged the results in the streets. In 2013, Odinga again refused to concede, but rather than calling for protests, he challenged the results in the independent Supreme Court.

Chapter 5: Conclusion

5.1 Introduction

The study of election integrity is in vogue.[66] In the last few years, a number of scholars have examined the role electoral integrity plays in securing free and fair elections (Kelley 2012), public satisfaction with, and legitimacy of, democracy (Birch 2008; Birch 2010; Kerr 2013; Norris 2014), confidence in political institutions (Kerr 2013), levels of party competition (Kelley 2011), and the frequency of political protests and electoral violence (Norris 2014; Hyde and Marinov 2014; Borzyskowski 2013; Daxecker 2012). While all of these studies have increased our knowledge about election integrity and election administration, none of these studies have examined how *de facto* independent electoral management bodies (EMBs) contribute to the quality of election administration and as a consequence election integrity. The most important contribution from my dissertation is that *de facto* independent EMBs improve the overall quality of elections and reduce the risk of electoral violence, even in high-risk situations.

My dissertation shows that elections are credible commitment problems in which candidates running for election face incentives to use fraud and or violence to win the election. The incentives to subvert the electoral process increases when previously marginalized ethnic groups are able to select credible and competitive candidates to compete in the election. However, independent EMBs can solve the commitment problem by convincing candidates and their supporters that a loss at the polls today does not mean a loss of power forever. In addition, an independent EMB limits the opportunity for election rigging, making it harder to subvert the electoral process, even if candidates would like to.

[66] Electoral integrity refers to agreed international principles and standards of elections regarding the entire electoral cycle, including during the pre-electoral period, the campaign, and on polling day and its aftermath.

5.2 Summary of findings

In chapter one, I developed the theoretical argument and deduced three hypotheses. The notion that elections are credible commitment problems is the starting point of the theoretical argument. I then theorized about potential variables that might make the credible commitment more or less difficult to overcome. In each of the three empirical chapters, I quantitatively tested different variables of interest against a set of alternative explanations. I then used case studies to examine whether the observable implications of the argument were present as well.

In chapter 2, I showed that ethno-political exclusion—the degree to which certain ethnic groups in a state have been excluded from political power—increases the stakes of the elections, and makes the credible commitment problem difficult to overcome. I proposed that presidential systems and majoritarian electoral systems might impact the credible commitment problem. I tested these arguments in a cross-national large-n study of all elections in sub-Saharan Africa between 1990 and 2010. The empirical tests provided strong support for the argument that ethno-political exclusion increases the risk of violence, because contestants in elections do not credibly commit to the electoral competition. The analysis did not find empirical support for the alternative arguments.

To further test the argument, I conducted two case studies of Kenya's 1992 and 1997 elections. The analysis showed that Kenya had a history of ethno-political exclusion, and those historical legacies of exclusion were used by political elites to mobilize voters to use violence. It is important to note that this argument is not rooted in some idea of "ancient hatreds" between ethnic groups. Rather, the exclusion of certain ethnic groups, and the decision to mobilize voters along ethnic lines, are strategic decisions by political elites.

Chapter three showed that a competitive election, in addition to ethnic exclusion, is a combination that increases the risk of violence further. Based on a comparison of Kenya's

violent 1992 and 1997 election, and Kenya's peaceful 2002 election, I showed that the perceived competitiveness of an election was critical to whether we should expect violence in states with ethno-political exclusion. Very little had changed in Kenya since 1997 when Kenyans went to the polls in 2002, yet the 2002 election remained peaceful. The comparison of the elections showed that the key difference was that while former President arap Moi feared that he would lose power in 1992 and 1997, the incumbent knew that he had no chance to win the 2002 election.

I then tested the insights from the comparison of Kenya's three first elections in another large-n analysis. Using the same framework as in chapter two, I found that the interaction between ethno-political exclusion and competitive elections substantially increased the risk of electoral violence.

In chapter four, I tested the third hypothesis that independent EMBs can mitigate electoral violence, even in states with ethno-political exclusion and competitive elections. Przeworski (1991) suggests that institutions that institutionalize procedural certainty can reduce the effects of the credible commitment problem. I turned to recent literature on election integrity and election administration, and suggested that independent EMBs reduce the chance that any candidate can rig an election, while also extending the candidates' time horizon. The effect is that we should expect to see less electoral violence as well as less rigging and better overall election quality. I then tested this hypothesis in a cross-national large-n analysis. In order to do so, I created a new dataset, the African Election Management Body dataset. In the dataset I used international election monitoring reports, as well as academic articles, to code the *de facto* independence of all sub-Sahara African EMBs between 1990 and 2010. The results of the

analysis showed that not only did independent EMBs reduce the risk of electoral violence, they also reduced the risk of electoral fraud and improve the quality of elections.

To further test the observable implications, I conducted a series of case studies on Ghana's 2000 and 2008 elections, as well as Kenya's 2007 and 2013 election. The analysis showed that, on the one hand, Ghana's independent election commission increased the candidates' trust in the electoral process and extended their time horizons, reduced electoral fraud, and prevented two highly competitive elections from becoming violent. On the other hand, in 2007, Kenya's partisan and highly suspect election commission rigged the election on behalf of the incumbent, which led the loser to challenge the results through mass violence. The analysis of Kenya's 2013 election shows that the new election commission failed to garner the trust of the candidates, even when those candidates had participated in selecting the members. The IEBC's failure to organize a transparent and credible election led the losing candidate to challenge the results. However, Kenya's new constitution had reformed the judiciary and as a consequence, Odinga challenged the election in the courts, rather than on the streets.

It is important to note that an independent EMB does not solve the problem of ethno-political exclusion by reducing political exclusion; rather it mitigates the effects of exclusion by convincing the parties that they can compete for power in the future even if they lose election today.

In sum, this dissertation makes several important contributions. First, by focusing on institutions that can secure free and fair elections, this project examines institutions that may be critical to democracy but that political science has largely ignored. Second, by focusing on electoral governance and the institutionalization of procedural certainty, I suggest new solutions to well-known problems of democratic instability in plural societies. Third, by examining EMBs

as institutions that limit the incumbent's power, this project adds to the idea that democracy is a credible commitment by elites to redistribute wealth in exchange for the masses' acquiescence. I contend that elections in new democracies *produces* an additional credible commitment problem and that EMBs can help overcome this problem and so ensure peaceful elections.

This project also has important broader implications. First, by examining different types of electoral management bodies and their effects on people's and political elites' perception about the fairness of elections, this research can help policymakers, donor organizations and NGOs design electoral management bodies which can improve electoral governance in new democracies, and thus reduce the likelihood of electoral violence. Second, the research can also help election observers better understand how citizens and political elites evaluate elections. As such the results from this research can be used to educate future election observers about what citizens find most important when they evaluate the fairness of an election.

5.3 Directions for future research

If *de facto* independent EMBs are critical for ensuring high quality elections and mitigating electoral violence, then it is critical to understand the origin of these institutions. One way to do so is to examine which rules increase and decrease *de facto* EMB independence. Here, one can draw on literature from political science and economics that examines the independence of other administrative agencies (IAAs), such as central banks (c.f. Cukierman et al 1992; see van Aaken 2009 for an excellent overview). To assess the legal rules that might impact *de facto* EMB independence, one can examine three factors. First, personal independence refers to how commissioners are appointed and removed, their tenure, whether they can be re-appointed and whether commissioners are independent experts or partisan. Second, financial independence refers to the EMB's ability to control its budget. Other important indicators for financial

independence are the degree to which politicians fund the EMB and whether the EMB can receive funds from international donors. Third, functional independence refers to the level of delegation to the EMB. Mozaffar and Schedler (2002), use principal-agent theory to illustrate the issue. The executive or legislators (principal) might attempt to constrain the actions of the EMB (agent) through detailed legislation regarding the EMB's operations to curtail its discretion and thus independence.

To give an example, if one compares Kenya and Ghana, the main difference in the laws regarding the EMB is related to tenure. In both Ghana and Kenya (prior to 2011), the President could unilaterally appoint commissioners to the EMB. However, in Ghana election commissioners have life tenure while in Kenya commissioners have five-year renewable terms. Can tenure explain how some become EMBs become independent and others not? It is possible to imagine that individuals will help secure one party's victory in order to secure themselves future positions or income. Lifetime tenure changes this dynamic by negating the need to satisfy the agent who appoints you.

Yet, even a focus on rules raises the question of why an incumbent would agree to rules that would limit his power to win elections. Perhaps rather than the rules per se, EMBs are more likely to be independent when the person responsible for their appointment is no longer in power. In Ghana the election commission was perceived by the opposition to be independent during the 2000 election, but less so during the 1996 election, despite the fact that the commissioners were the same. The main difference, of course, was that Rawlings was not running for re-election in 2000. Since Rawlings had appointed the commissioners, it is possible that the opposition believed they had their allegiance to Rawlings but not Mills.

One can also look to research from IR and cross-country diffusion to examine the origins of independence. It it is possible that international pressure, through election observation groups, international organizations, and NGOs have forced, or persuaded governments, to reform their election administration systems, by setting up *de jure* election commissions and guaranteeing their *de facto* independence. For example, in the aftermath of the post-election violence in Kenya in 2007, the Kenyan government commissioned a report from a group of international election experts. The commission released its report, "The Report of the Independent Review Commission on the General Elections held in Kenya on 27th December, 2007", in 2008, and in the report the commission suggests a host of reforms to the electoral system in general, and to the election commission in particular. A comparison of the report with the new legal framework enacted in 2011 shows that the Kenyan government closely followed the commission's suggestions. Another example where international pressure and persuasion might impact domestic elections is Judith Kelly's work on international election monitoring. Kelley's research shows that the quality of a country's election improves the more times elections have been observed by international observers. The implication is that states learn from election observers and over time improve the administration of their elections.

Beyond examining the origin of EMB independence, my dissertation also suggests that independent EMBs might have other positive effects beyond mitigating election violence. One such avenue is to examine the degree to which independent EMBs can improve the competitiveness of elections. Take for example recent work on competitive authoritarianism. According to Levitsky and Way (2010) a competitive authoritarian regime is a regime in which elections are competitive, but not free and they are almost always unfair. Elections in competitive authoritarian regimes are fraught with irregularities put in place by incumbents to

win the election through rigging. Levitsky and Way further argue that whether a competitive authoritarian regime becomes a democracy with free competitive elections, or remains a stable autocratic state, depends on the degree to which the state is dependent on Western support and the strength of the ruling party. A state that is highly dependent on Western support is more likely to democratize, *cetris paribus*. In other words, a strong ruling party can manipulate the electoral process to such a degree that multiparty elections do not threaten the regime. A strong ruling party might crowd out the space for opposition parties—a regime that manipulates the electoral process also reduce incentives for opposition parties to mobilize and compete for power. An opposition party knows that it will lose an election long before the election is held is unlikely to use its limited resources on mobilizing and campaigning in the election.

In these situations multiparty elections are held, but they are not truly competitive and rarely do these states transfer power through the ballot box. However, an independent election commission with a broad mandate and enforcement mechanisms can increase the competitiveness of elections in these states. An independent election commission can both reduce the opportunity of the incumbent to manipulate the electoral process in their favor and increase the incentives of opposition parties to mobilize and compete in elections.

In sum, my dissertation has shown that *de facto* independent electoral management bodies improve the quality of elections, reduce fraud, and reduce the risk of electoral violence. These findings also suggests that independent EMBs an have additional positive effects, such as increasing electoral competition and participation. Having identified the positive effects of independent EMBs, the next step is to identify how these institutions become *de facto* independent.

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Appendix 1: List of interviews

The University of Washington Human Subjects division has approved the collection of data for this dissertation (IRB application number 39831). All interviewees were read consent forms but were not required to sign them. All interviewees were guaranteed anonymity. Below I list interview place and dates and the type of organization the interviewee was attached to.

Interviews conducted in Kenya September-November 2011:

Election Commission members/IEBC selection commission members/IEBC candidates:

- Interview #1 IEBC selection panelist, October 21 2011, Nairobi
- Interview #2 IEBC selection panelist, October 22 2011, Nairobi
- Interview #3 IEBC selection panelist, October 25 2011, Nairobi
- Interview #4 IEBC selection panelist, October 28 2011, Nairobi
- Interview #5 IEBC selection panelist, November 2 2011, Nairobi
- Interview #6 IEBC selection panelist, November 1 2011, Nairobi
- Interview #7 IEBC selection panelist, November 3 2011, Nairobi
- Interview #8 IEBC applicant, October 26 2011, Nairobi
- Interview #9 IEBC applicant, October 7 2011, Nairobi
- Interview #10 IEBC applicant, October 18 2011, Nairobi
- Interview #11IEBC applicant, October 17 2011, Nairobi

Civil Society operatives:

- Interview #1 Deputy Executive Director, October 17 2011, Nairobi
- Interview #2 Executive Director, October 28 2011, Nairobi
- Interview #3 Executive Director, October 28 2011, Nairobi
- Interview #4 Executive Director, November 7 2011, Nairobi
- Interview #5 Program officer, November 1 2011, Nairobi
- Interview #6 Program officer, October 27 2011, Nairobi
- Interview #7 Program Officer, October 19 2011, Nairobi
- Interview #8 Deputy Director, October 21 2011, Nairobi
- Interview #9 Director, October 27 2011, Nairobi
- Interview #10 Deputy Director November 4 2011, Nairobi
- Interview #11 Executive Director November 3 2011, Nairobi
- Interview #12 Executive Director November 7 2011, Nairobi

Political operatives

- Interview #1 Member of parliament, October 4 2011, Nairobi
- Interview #2 Member of parliament, October 14 2011, Nairobi
- Interview #3 Member of Parliament, October 14, 2011, Nairobi
- Interview #4 Member of Parliament, October 19 2011, Nairobi
- Interview #5 Party chairman, October 19 2011, Nairobi
- Interview #6 Former party chairman, October 20 2011, Nairobi
- Interview #7 Party secretary general, October 20 2011, Nairobi
- Interview #8 Former secretary general, October 2011, Nairobi

Interviews conducted in Kenya January-March 2013:

Political operatives:

- Interview #1 Campaign official, February 4 2013, Nairobi
- Interview #2 Party secretary general, February 4 2013 Nairobi
- Interview #3 Vice presidential candidate, February 7 2013, Nairobi
- Interview #4 Campaign official, February 10 2013, Nairobi
- Interview #5 Campaign Director, February 12 2013, Nairobi
- Interview #6 Campaign Director, February 8 2013, Nairobi
- Interview #7 Campaign official, February 25 2013, Nairobi

Civil Society operatives:

- Interview #1Program Director, February 8 2013, Nairobi
- Interview #2 Executive director, February 18 2013, Nairobi
- Interview #3 Technical advisor, February 18 2013, Nairobi
- Interview #4 Country director, February 20 2013, Nairobi
- Interview #5 Program officer, February 21 2013, Nairobi
- Interview #6 Executive Director, February 26 2013, Nairobi
- Interview #7 Consultant, February 26 2013, Nairobi
- Interview #8 Advisor, February 28 2013, Nairobi
- Interview #9 Executive Director, March 6 2013, Nairobi

Political analysts/Academics

- Interview #1 Professor Political Science February 14 2013, Nairobi
- Interview #2 Professor Political Science February 14 2013, Nairobi
- Interview #3 Consultant February 19 2013, Nairobi

Interviews conducted in Ghana April-June 2012:

Election commission members:

- Interview #1 Election commission member, April 16, 2012, Accra
- Interview #2 Election commission member, April 16, 2012, Accra
- Interview #3 Election commission staff, April 20 2012, Accra

Political operatives:

- Interview #1 Former Secretary General NDC, May 4 2012, Accra
- Interview #2 Former Secretary General NPP, May 23 2012, Accra
- Interview #3 Former minister and party official NPP May 22 2012, Accra
- Interview #4 Campaign/party official NDC, May 17 2012, Accra
- Interview #5 Member of parliament/former campaign official NPP, May 17 2012, Accra
- Interview #6 Former Secretary General NDC, May 8 2012, Accra
- Interview #7 Former National Chairman NDC, May 9 2012, Accra
- Interview #8 Campaign/Party official NPP, May 16 2012, Accra
- Interview #9 Former National Chairman NPP, May 23 2012, Accra
- Interview #10 Party official NPP, May 22 2012, Accra

Civil Society Operatives:

- Interview #1 Executive Director, April 11 2012, Accra
- Interview #2 Executive Director, April 17 2012, Accra
- Interview #3 Director of Research, April 19 2012, Accra
- Interview #4 Program officer, April 24 2012, Accra
- Interview #5 Deputy Director, April 27 2012, Accra
- Interview #6 Board Member, May 10 2012, Accra

Appendix 2: African Electoral Management Body Dataset Sources

This appendix lists all elections held in Sub-Saharan Africa between 1990-2010 and lists the source for the coding of each election that have been included in the AEMBID dataset. The bibliography to the secondary sources is found at the end of the appendix.

Election observation organization name and acronym

Name	Acronym
National Democratic Institute	NDI
International Republican Institute	IRI
Carter Center	CC
Commonwealth Secretariat	CWS
International Foundation for Electoral Systems	IFES
European Union Election Observation Missions	EU
European Parliament Election Observation Group	EP
Southern Africa Development Community	SADC
The Electoral Institute for Sustainable Democracy in Africa	EISA
Secondary source 1	Sec1
Secondary source 2	Sec2

Country	Year	CC	CWS	EP	EU	IFES	IRI	NDI	EISA	SADC	Other	Oth name	Sec1	Sec2
Angola	1992					X								
Angola	2008			X	X									
Benin	1991												X	X
Benin	1991												X	X
Benin	1995												X	
Benin	1996												X	
Benin	1999												X	
Benin	2001												X	
Benin	2003												X	
Benin	2006												X	
Benin	2007												X	
Botswana	1994												X	
Botswana	1999									X				
Botswana	2004									X				
Botswana	2009								X					
Burkina Faso	1991												X	
Burkina Faso	1992												X	

Burkina Faso	1997							X
Burkina Faso	1998							X
Burkina Faso	2002							X
Burkina Faso	2005							X
Burkina Faso	2007							
Burkina Faso	2010							
Burundi	1993				X			X
Burundi	1993				X			X
Burundi	2005					X		
Burundi	2010							
Burundi	2010							
Cape Verde	1991							X
Cape Verde	1991							X
Cape Verde	1995							X
Cape Verde	1996							X
Cape Verde	2001							X
Cape Verde	2001							X
Cape Verde	2006			X				X
Cape Verde	2006			X				X
Cameroon	1992				X			
Cameroon	1992				X			
Cameroon	1997	X						
Cameroon	1997	X						
Cameroon	2002							X
Cameroon	2004	X						
Cameroon	2007							X
Cent.Afr.Rep	1992							X
Cent.Afr.Rep	1993							
Cent.Afr.Rep	1998							
Cent.Afr.Rep	1999							
Cent.Afr.Rep	2005							
Chad	1990							
Chad	1996							X
Chad	1997							X
Chad	2001							X
Chad	2002							X
Chad	2006							
Comoros	1990							
Comoros	1992							
Comoros	1993							
Comoros	1996							
Comoros	1996							
Comoros	2002							

Comoros	2004											
Comoros	2006											
Comoros	2009											
Comoros	2010											
Congo	1992											
Congo	1992											
Congo	1993											
Congo	2002			X								
Congo	2002			X								
Congo	2007											
Congo	2009											
Cote d'Ivoire	1990										X	X
Cote d'Ivoire	1990										X	X
Cote d'Ivoire	1995										X	
Cote d'Ivoire	1995										X	
Cote d'Ivoire	2000											
Cote d'Ivoire	2000											
Cote d'Ivoire	2010	X										
DRC	2006	X		X				X		X	UN	
Djibouti	1992										X	
Djibouti	1993											
Djibouti	1997											
Djibouti	1999											
Djibouti	2003											
Djibouti	2005					X						
Djibouti	2008											
Eq. Guinea	1993											
Eq. Guinea	1996										X	
Eq. Guinea	1999											
Eq. Guinea	2002											
Eq. Guinea	2004											
Eq. Guinea	2008										X	
Eq. Guinea	2009											
Ethiopia	1994					X						
Ethiopia	1995										X	
Ethiopia	2000										X	
Ethiopia	2005	X										
Ethiopia	2010				X							
Gabon	1990										X	
Gabon	1993					X						
Gabon	1996										X	
Gabon	1998					X						
Gabon	2001											

Gabon	2005											
Gabon	2006											
Gabon	2009											
Gambia	1992											
Gambia	1996											X
Gambia	1997											X
Gambia	2001		X									X
Gambia	2002											
Gambia	2006		X									
Gambia	2007											
Ghana	1992	X	X		X							
Ghana	1992	X	X		X							
Ghana	1996		X				X					
Ghana	2000											X
Ghana	2004											X
Ghana	2008	X	X	X								
Guinea	1993					X						
Guinea	1995											
Guinea	1998				X							
Guinea	2002											
Guinea	2003											
Guinea	2010	X										
Guinea-Bissau	1994											
Guinea-Bissau	1999											
Guinea-Bissau	2004											
Guinea-Bissau	2005			X								
Guinea-Bissau	2008			X								
Guinea-Bissau	2009			X								
Kenya	1992		X		X	X				X	NIHR	
Kenya	1997				X		X					
Kenya	2002	X	X	X								
Kenya	2007		X	X		X				X	PAP	
Lesotho	1993		X									
Lesotho	1998		X									
Lesotho	2002		X						X			
Lesotho	2007							X				
Liberia	1997	X										
Liberia	2005	X		X		X						
Madagascar	1992											
Madagascar	1993											
Madagascar	1996				X							
Madagascar	1998											
Madagascar	2001											

Madagascar	2002			X										
Madagascar	2006						X							
Madagascar	2007							X						
Malawi	1992													
Malawi	1994		X											
Malawi	1999												X	X
Malawi	2004		X		X			X						
Malawi	2009		X		X			X	X					
Mali	1992												X	
Mali	1992												X	
Mali	1997												X	
Mali	1997												X	
Mali	2002	X												
Mali	2002	X												
Mali	2007												X	
Mali	2007												X	
Mauritania	1992												X	
Mauritania	1992												X	
Mauritania	1996												X	
Mauritania	1997													
Mauritania	2001													
Mauritania	2003													
Mauritania	2006			X										
Mauritania	2007			X									X	
Mauritania	2009													
Mauritius	1991													
Mauritius	1995													
Mauritius	2000													
Mauritius	2005							X						
Mauritius	2010							X	X					
Mozambique	1994									X	UN			
Mozambique	1999	X	X											
Mozambique	2004	X	X		X			X						
Mozambique	2009				X			X	X					
Namibia	1994		X					X						
Namibia	1999													
Namibia	2004													
Namibia	2009							X						
Niger	1993												X	
Niger	1993												X	
Niger	1995													
Niger	1996												X	X
Niger	1996												X	X

Niger	1999												X	X
Niger	1999												X	X
Niger	2004												X	
Niger	2004												X	
Niger	2009													
Nigeria	1992													
Nigeria	1993													
Nigeria	1999	X	X			X								
Nigeria	1999	X	X			X								
Nigeria	2003		X		X		X	X						
Nigeria	2003		X		X		X	X						
Nigeria	2007		X		X		X	X						
Rwanda	2003			X										
Rwanda	2003			X										
Rwanda	2008			X	X									
Rwanda	2010		X											
Senegal	1993							X						
Senegal	1993							X						
Senegal	1998												X	
Senegal	2000												X	
Senegal	2001													
Senegal	2007												X	
Senegal	2007												X	
Sierra Leone	1996		X											
Sierra Leone	2002	X	X	X	X									
Sierra Leone	2007		X		X									
South Africa	1994												X	
South Africa	1999												X	
South Africa	2004												X	
South Africa	2009								X	X				
Sudan	1996												X	
Sudan	2000													
Sudan	2010	X		X	X									
Swaziland	1993													
Swaziland	1998							X	X					
Swaziland	2003		X											
Swaziland	2008		X						X	X				
Tanzania	1990													
Tanzania	1995		X			X								
Tanzania	2000													
Tanzania	2005								X					
Tanzania	2010		X	X	X				X					
Togo	1990													

Togo	1993													X	X
Togo	1994													X	
Togo	1998													X	
Togo	1999													X	
Togo	2002													X	
Togo	2003													X	
Togo	2005						X								
Togo	2007			X											
Togo	2010										X	OAS			
Uganda	1994													X	
Uganda	1996					X									
Uganda	1996					X									
Uganda	2001														
Uganda	2001														
Uganda	2006		X	X	X										
Zambia	1991	X	X					X							
Zambia	1996													X	
Zambia	2001	X								X					
Zambia	2006		X		X										
Zambia	2008								X						
Zimbabwe	1990														
Zimbabwe	1995														
Zimbabwe	1996													X	
Zimbabwe	2000		X	X	X										
Zimbabwe	2002		X												
Zimbabwe	2005									X	X				
Zimbabwe	2008								X						